BOSTON UNIVERSITY
GRADUATE SCHOOL

Thesis

HENRY FIELDING'S INTEREST IN LAW AND ITS INFLUENCE UPON HIS NOVELS

by

Phyllis Jeanne Edwards
(A.B., Friends University, 1942)

Submitted in partial fulfilment of the
requirements for the degree of
Master of Arts

1943

APPROVED
By

First Reader Gerald W. Brace
PROFESSOR OF ENGLISH

Second Reader Thomas R. Mather
PROFESSOR OF ENGLISH

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The master of the GREEK and ROMAN page,
The Lively scorner of a venal age,
Who made the publick laugh, at publick vice,
Or drew from sparkling eyes the pearl of price;
Student of nature, reader of mankind,
In whom the patron, and the bard were join'd;
As free to give the plaudit, as assert,
And faithful in the practise of desert.

Hence pow'r consign'd the laws to his command,
And put the scales of Justice in his hand;
To stand protector of the Orphan race,
And find the female penitant a place.
From toils like these, too much for age to bear,
From pain, from sickness, and a world of care;
From children, and a widow in her bloom,
From shores remote, and from a foreign tomb,
Called by the WORD of LIFE, thou shalt appear,
To please and profit in a higher sphere,
Where endless hopes, imperishable gain
Are what the scriptures teach and entertain.[1]

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[1]Cross, Wilbur, The History of Henry Fielding, Yale University Press, New Haven, 1918, P. 111. (Written by Smart, "Poems on Several Occasions," London, 1763, P. 13-14.)

INTRODUCTION

My purpose in writing this thesis is to show Henry Fielding's interest in law, his connection with it, the conflict in his early life between law and his desire to write, and the way in which he incorporated law and humanitarianism in his writings. Using Joseph Andrews, Tom Jones, and Amelia, as illustrations, I shall endeavor to prove that the basis for each of these novels is a very real concern with the problems of the poor; the poor laws, thievery, punishment of crime, the prisons and the courts of justice. I shall try to show, in a discussion of each book, the influence his concern with these problems and in law, in general, had upon the content; the way in which every subject had a direct bearing upon some phase of law.

The method that I shall use will be first devoting a chapter to the author, his early life and career as a dramatist, his law training, his years as a magistrate, and as an editor. The second chapter will deal with a cross section of critical opinions, giving his general standing in the period and the attitude of his contemporaries. The remainder of the thesis will be divided into three chapters on his novels (1) Joseph Andrewa, (2) Tom Jones, (3) Amelia.

Each of the chapters will contain a brief outline of the plot, a general idea of the basis upon law, and definite examples and references illustrating this connection.

These three chapters will be based, almost entirely, upon the actual novels as primary sources, and only in the first two chapters have I found it necessary to rely upon secondary material. I have tried to make this study of Fielding as free from influence of the prejudice of another's critical opinions as possible and to interpretate the author's value upon my own reactions.

The final chapter will be a summary of the thesis, reatating the previous chapters in brief.

CHAPTER I

THE AUTHOR: HIS LIFE AND HIS LAW EDUCATION

Introduction

In the close study of Henry Fielding's novels it is important to emphasize the effect of his life and training upon his style and subject matter. That is to say, his novels are based upon that which was most vital and most familiar to Henry Fielding as a man. This alignment is easily seen in both his characters and his plots and will be discussed more fully later. The problems, also, which Henry Fielding developed are all in very close connection with his paramount interests, the poor, their relation to society, judges, debtors and prisons. Fielding looked at all individuals and all life in its dependence upon law. He was primarily a creator, but very close upon the heels of the artist was Fielding, the magistrate and lawyer.

Birth and Childhood

Henry Fielding was born at Sharpham Park, in Somersetshire, on the 22nd of April, 1707. He came from the ancient Denbigh family and he was the great-grandson of the Earl of Desmond, who was Earl of Denbigh. At one time the peer of the novelist's generation asked him why they wrote their

names with different spelling when their ancestry was the same. The peer's line used the old spelling placing the e before the i, and Henry's line of the family reversed the two letters. Henry replied, "I cannot tell, my lord, except it be that my branch of the family were the first that knew how to spell." [1]

Henry's father was Edmund Fielding, a soldier, who served with distinction under the Duke of Marlborough and rose to the rank of lieutenant-general. His mother, Sarah Gould, was the daughter of Sir Henry Gould, one of the Judges of the Queen's Bench. On his mother's side of the family, Fielding belonged to the class of well-established country squires and his respect and admiration for them led him to immortalizing the class in the benevolent figure of Squire Allworthy.

But the heritage on his father's side was equally important in the character of young Henry Fielding. "If it was to the respectable Goulds that Fielding owed many of his rural and administrative characteristics, such as that practical zeal and ability which made him so excellent a magistrate, it is in the family of his father that we find indications of those especial qualities of vigor, of courage, of the generous and tolerant outlook of the well-born man of the world that are so characteristic of Henry

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[1]Elwin, Warwick, Some XVIII Century Men of Letters, John Murray, London, 1902, P. 85.

Fielding." [1]

Two years after Henry's birth his father purchased the Colonelcy of an Irish Regiment and the following year the regiment was ordered to Spain. In March of the same year Sir Henry Gould died leaving his daughter 3,000 pounds to be invested "In the purchase of a Church or Colledge lease, or of lands of Inheritance," for her sole use, her husband having "nothing to doe with it." [2] The money was to go to her children at her death. The family moved to a small estate at East Stour in Dorsetshire and four children were born to them, Sarah (1710), Anne (1713), Beatrice (1714), and Edmund (1716). Edmund became an officer in the marine service and died young. Anne died in 1716 and Beatrice is never mentioned. Sarah Fielding wrote the novel, David Simple, and grew to be very close to her elder brother, Henry.

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[1]Dobson, Austin, Henry Fielding, Dood, Mead and Co., New York, 1900, P. 4

[2]Godden, G. M., Henry Fielding, A Memoir, Sampson Low, Marston & Co., Ltd., London, 1910, p. 59

Education

Henry Fielding's first introduction to the rudiments of education was under the care of the Reverend Mr. Oliver, says Mr. Arthur Murphy, Fielding's first biographer. It was an unfortunate arrangement for Mr. Oliver was not a person of preposessing moral qualities or a high intellect.

> The pupil squealed and cried out the period of torture, and in after life took the sweet vengence of making the pedagogue one of the most contemptible and absurd characters in Joseph Andrews, [1]

patterning Mr. Trulliber, the pig-breeding parson after him. This charming character is introduced to us at the opening of Chapter XIV.

> Parson Adams came to the house of Parson Trulliber, whom he found stripped into his waistcoat, with an apron on, and a pail in his hand, just come from serving his hogs; for Mr. Trulliber was a parson on Sundays, but all the other six might more properly be called a farmer. [2]

In the year of 1718, Sarah Gould Fielding died. In 1719 Henry was sent to Eton to continue his education. Here at Eton he became "uncommonly well-versed in the Greek authors, and an early master of the latin classics." [3]

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[1] Jeaffreson, John Cordy, Novels and Novelists, vol. I. Hurst and Blachett Publishers, London, 1858, P. 92

[2] Fielding, Henry, Joseph Andrews, Godfrey A. S. Wieners, New York, Library Edition, P. 186

[3] Dobson, Austin, Henry Fielding, Dodd, Mead and Company, New York, 1900, P. 7

Also at this time he made some friendships that endured throughout his life. Among these were Lord Lyttleton, Mr. Fox, Mr. Pitt, Sir Charles Hanbury Williams and Mr. Wilmington.

In 1720, his father remarried. The new wife was an Italian Roman Catholic. As a result of the marriage a lengthy law suit arose between Lady Gould, the previous mother-in-law, and the Colonel, both claiming the custody of the children, and the handling of their trust money. "No man likes his mother-in-law to say he has married the keeper of an Italian eating house, especially if the fact is correct; or that he is perverting his children's trust money." [1] And she, likewise, resented his statement that she was unfit to have custody of the children due to her "advanced age and infirmity." However, the grandmother won the case and was given permission to put the girls in boarding schools and to send Henry back to Eton. Finally, on May 28, 1722, the Lord High Chancellor gave entire custody of the children and the estate to Lady Gould.

When Henry was seventeen he left school because he lacked funds to continue. The next year he went to Leydon University and diligently began the study of Civil law, and again was compelled to leave school because of his father's

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[1] Godden, G. M., Henry Fielding, A Memoir, Sampson Low, Marston and Co., Ltd., London, 1910, P. 14

inability to supply him with funds. Murphy, his biographer, says in his Essay on Life and Genius of Henry Fielding, "an ampler store of knowledge might have given such a complete improvement to his talents as would afterwards have shone forth with still greater lustre in his writings." [1] But in Elwin we find the opposite point of view:

> The sky is not more dotted with stars than the works of Fielding with learning; his style shows that he had sedulously trained himself in the school of the best masters, and his own consummate genius did the rest. It could have added nothing to his reputation if, drawing the mass of his ideas from books instead of from nature and imagination, he had shown with a borrowed and not an inherent lustre. [2]

I feel, with Warwick Elwin, that the tragedy lay not in his giving up his education at that time but in the fact that in the following years, in London, he was cast into a career, as a dramatist, which fostered his tendency to an "irregular and licentious life."

While still at Leydon, tradition states, he had his first love affair. The object of his passions was a Miss Sarah Andrew, the only daughter and heiress of Solomon Andrew, deceased, who had been a wealthy and reputable merchant. She lived in Lyme, England, with her uncle and guardian, a Mr. Andrew Tucker, described by Gertrude Godden

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[1] Elwin, Warwick, Some XVIII Century Men of Letters, John Murray, London, 1902, P. 86

[2] Ibid., P. 87

as a "timorous and crafty member of the local trade corporation." The young people planned an elopement but the guardian, hearing wind of it sent the young lady away and Henry gave up the project. The episode is important in the author's life for again his experience formed a part of his fund of ideas for plots. Austin Dobson says:

> a charming girl, who is also an heiress; a pusellanimous guardian, with ulterior views of his own; a handsome and high spirited young suitor; a faithful attendant ready to "beat, maim or kill" on his master's behalf; a frustrated elopement and a compulsory visit to the mayor.....all these, with the picturesque old towm of Lyme for a background, suggest a most appropriate first act to Henry Fielding's biographical tragi-comedy. [1]

The truth of this episode is questioned by later biographers but was considered valid by Dobson and his contemporaries.

In London

It was but a short time after the thwarting of this love that Henry Fielding went to London, wholly dependent upon his wit for his support. His father allowed him 200 pounds a year, but he had a new family of six sons at this time and lacked the money to fulfill his promise. Young Henry found himself faced with two choices, to use his own words, "1-A hackney writer, or 2-a hackney coachman." [2]

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[1]Dobson, Austin, Henry Fielding, Dodd, Mead and Company, New York, 1900, P. 202

[2]Letters of Lady Mary Montagu, ed. 1837, vol. III, P. 93

Henry Fielding at this time was the picture of youth and health. He was tall, strong, exceedingly handsome with a Roman nose, prominent chin, dark eyes and a pleasant mouth. His physique was magnificent and he had the fullest vigor of constitution. He was famous for his gaiety and the spontaneity of his imagination; "the wild flow of his spirits; the brilliancy of his wit; the activity of his mind, and eagerness to know the world." [1] While at Leydon he was described in the following manner:

> That our nation was well and favorably represented by him, amongst the lads at the university, there can be no doubt; for he was a magnificent fellow, frank in bearing, agile as a trained wrestler, rather exceeding six feet in height, with a face by both aristocratic features and gallant expression, remarkably engaging, with a fresh, slightly ruddy complexion, and a winning smile of the most mirthful intelligence, with an air, commanding, but free from the slightest taint of haughtiness, and lastly, with a disposition, as well endowed as his mind, . . . generous and truly noble as became one sprung from the seed of kings. [2]

At the same time he was a young man extremely sensitive to people and open to temptation, and London at this time was full of temptations calculated to please such a young man. In Elwin we read:

> He had a constitution which was keenly alive to sensual delights, and a temperament too gross

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[1] Godden, G. M., Henry Fielding, A Memoir, Sampson Low, Marston and Co., Ltd., London, 1910, P. 28

[2] Jeaffreson, John Cordy, Novels and Novelists, vol. 1, Hurst and Blackett, Publishers, London, 1858, P. 92

> to be repelled by accessories which would have shocked finer tastes . . . his enlivening talk and exhuberant spirits rendered him king of his company: he was equally courted by men of pleasure and men of letters. [1]

His first entrance on a literary career, which achieved public recognition, was in February, 1728, when "Love in Several Masques" appeared in Drury Lane. This play was successful but it does not measure up at all in comparison with the excellence of his prose writings. The characters were not sketched from life but were set figures taken from the stage. Probably, the success of the play was chiefly due to the support of the actress Mrs. Oldfield. The early date of its production proves the play had been written before he arrived in London. It bears evidence of revision and working over, to strengthen this theory. In plot, characters and dialogue it is modeled upon Congreve. The antithetical wit of Congreve required time and a great deal of painstaking thought. It was a technique entirely foreign to Fielding's nature. He dashed off his plays in tremendous haste; they were spontaneous ideas, hurridly strung together, and generally written under great pressure.[2]

Fielding's real connection with the stage did not begin until January, 1730, when Gifford, the actor, produced

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[1]Elwin, Warwick, Some XVIII Century Men of Letters, John Murray, London, 1902, P. 87

[2]Ibid. P. 90

"Temple Beau". In this play, again, Fielding had modeled Congreve, but less visibly and he soon broke completely away from these restrictions.

Three other plays followed it; the last was the farce "Tom Thumb." It originally was written in one act, but its tremendous popularity caused him to expand it into three. This play is as entertaining and seems fully as timely today as when it was first produced. However, there were some adverse criticisms written against the farce, among which we find Warwick Elwin says:

> In spite of some ludicrous strokes, Tom Thumb, in its intirety, is a heavy production, and is rather read for its traditional fame than for the entertainment it affords. [1]

His next hit was "Mock Doctor," in 1732, and it was followed by "The Miser," in 1733. Both of these plays were translations from the French Moliere.

> His work bears traces of the inequalities and irregularities of his mode of living. Although in certain cases (e.g. the revised edition of Tom Thumb) the artist and the scholar seems to have spasmodically asserted himself, the majority of his plays were hasty and ill considered performances, most of which (as Lady Mary Montagu said) he would have thrown into the fire, if meat could have been got without money, and money without scribbling. [2]

In 1734, he married Charlotte Cradock of Salisbury, a young lady posessing beauty and 15,000 pounds. At the same

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[1]Elwin, Warwick, Some XVIII Century Men of Letters, John Murray, Londin, 1902, P. 91

[2]Ibid. P. 91

time he inherited an estate in East Stour from his mother's estate. The love story of the two young people that was so delightful at first was destined to know many harsh periods of poverty and sickness, but throughout it all their love and affection endured. It is safe to say that had it been in his power he would have fulfilled the promise of one of his love verses.

> Can there on Earth, my Celia, be
> A Price I would not pay for thee?
> Yes, one dear precious Tear of Thine
> Should not be shed to make thee mine. [1]

Godden says, again, "For to Fielding the supreme gift was accorded of passionate devotion to a woman of whose charm and virtue he himself has raised an enduring memorial in the lovely portrait of Sophia Western." Fielding, himself, tells us Sophia is a picture of Charlotte in the Invocation, in the Thirteenth Book of Tom Jones.

> Fortell me that some tender maid, whose grandmother is yet unborn, hereafter, when, under the fictitious name of Sophia, she reads the real worth which once existed in my Charlotte, shall from her sympathetic breast send forth the heaving sigh. [2]

Shortly after their marriage Charlotte's mother died and left the following will:

> . . . I Elizabeth Cradock of Salisbury in the County of Wilts . . . do make this my last will

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[1]Godden, G. M., Henry Fielding, A Memoir, Sampson Low, Marston and Co., Ltd., London, 1910, P. 30

[2]Fielding, Henry, Tom Jones, Book XIII, Ch. I, P. 481

> and testiment. Item I give to my daughter Catherine one shilling and all the rest and residue of my ready money plate jewels and estate whatsoever and wheresoever-after my debts and funeral charges are fully paid and satisfied I give devize and bequeath the same unto my dearly beloved daughter Charlott Ffeilding wife of Henry Ffeilding of East Stour in the County of Sorset Esq. [1]

Even this will of his mother-in-law found a place in Fielding's memory, later to be called forth in the novel Amelia. In the novel, ten pounds are left to Mrs. Booth and the rest of the fortune to her sister in a forged will.

In 1735, Henry and Charlotte went to East Stour fully determined to give up "a life of dissipation" but family pride got the better of him. Tradition tells us he assembled an enormous retinue of servants and clothed them in elaborate canary-yellow livery. The costly uniforms soiled easily and in two months it was necessary to replace them completely. They lived far beyond their means, entertained wildly, invested in an array of horses and hounds, and devoured their little patrimony, that could have kept them free from want for the remainder of their lives, in a few months. They were forced to return to London, penniless. The value of the experience lay in the material it supplied for his further writing. The development of Squire Western and the hunting class were the especial ideas he acquired.

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[1]Godden, G. M., Henry Fielding, A Memoir, Sampson Low, Marston and Co., Lts., London, 1910, P. 55

Upon his return to London Henry opened the Haymarket Theatre as manager and produced the farce entitled "Pasquin," which attacked the Prime Minister, Sir Robert Walpole. He felt that the satire of contemporary manners was his especial field. This farce was merely a string of incidents showing the political corruption of the Walpole era with boldness and humor.

> At the date of his first plunge into these struggles England stood sorely in need of a pen as biting, as witty and as fearless as that of Henry Fielding. For over ten years the country had been ruled by one of those "peace at any price" ministers who have at times so successfully enflamed the baser commercial instincts of Englishmen. Sir Robert Walpole, the reputed organizer of an unrivalled system of bribery and corruption, the minister of whom a recent apologist frankly declares that to young members of Parliament who spoke of public virtue and patriotism he would reply, "you will soon come off that and grow wiser," the autocrat enamoured of power who could brook no colleague within measurable distances, the man of coarse habits and illiterate tastes, above all the man who induced his countrymen to place money before honor, and whose administration even an admirer describes as one of unparalleled stagnation . . . such a man must have roused intense antagonism in Fielding's generous and ardent nature. [1]

The bitter and venomous hatred Sir Robert Walpole bore against Fielding was transmitted to his son, Horace Walpole, and can be aptly illustrated by a paragraph in a letter written to George Montague and dated May 18, 1749. He writes:

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[1]Godden, G. M., Henry Fielding, A Memoir, Sampson Low, Marston and Co., Ltd., London, 1910, P. 61

> Rigby gave me as strong a picture of nature (as a scene of low-life in Holborn). He and Peter Bathurst, t'other night carried a servant of the latter's, who had attempted to shoot him, before Fielding; who, to all his other vacations, has, by the grace of Mr. Lyttleton, added that of Middlesex justice. He sent word he was at supper, they must come next morning. They did not understand that freedom, and ran up, when they found him banqueting with a blind man, a whore, and three Irishmen, on some cold mutton and a bone of ham, both in one dish, and the dirtiest cloth. He never stirred nor asked them to sit. Rigby, who had seen him so often come to beg a guinea of Sir C. Williams, and Bathurst, at whose Father's he had lived for vituals, understood that dignity as little, and pulled themselves chairs; on which he civilized. [1]

The deliberate poison of this letter lies in the identity of the guests at Fielding's table. The intent of the letter was to give the impression that Fielding was associating with beggars and costermongers, the dregs of London low-life. In reality, the blindman was Fielding's brother John, the whore referred to his wife, and the Irishmen were probably law students, very likely including Arthur Murphy, his biographer. [2]

Naturally, the open effrontery of Fielding's satires had been brought to the attention of the ministry. The effect of the plays, "Pasquin," and "The Ballet of Quidam" and "The Patriots," which followed, was largely influential in the passing of the famous "Licensing Act." One of the

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[1]Keightly, Thomas, The Life and Writings of Henry Fielding, The Rowfant Club, Cleveland, 1907, P. 71

[2]Ibid., P. 72

stories that accompanies this is that the actor Gifford had gone to Walpole with a farce called "The Golden Rump," which had been produced for exhibition. Walpole, "Paid the profits which might have accrued from the performance and detained the copy." [1] He then picked out the treasonable and profane passages and passed them to the independent members of both parties, later reading them in the House of Commons. They were so stirred up by the content of these gleanings from the farce that a bill was passed limiting the number of theatres and compelling the dramatic writers to obtain a license from the Lord Chamberlain. It was a measure by which a political stage censorship was legally established and the freedom and pungency of the theatre infinitely dulled. The Bill passed both houses and received royal assent, becoming effective June 21, 1737.

Return to Law

For a time, the Fieldings retired to the farm at East Stour to make plans for a new turn in his career. He decided to return to the law, his old love, and in November, 1737, he was admitted to the Middle Temple. At this time the estate of his mother, Sarah Gould Fielding, was divided

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[1]Dobson, Austin, Henry Fielding, Dodd, Mead and Company, New York, 1900, P. 97

among the children and fifty pounds annually came to Henry to ease the burden.

At law school he applied himself diligently and studied to the limits of his strength and endurance. Murphy says:

> The friendships he met with in the course of his studies, and indeed, through the remainder of his life, from the gentlemen of that profession in general, and particularly from some who have since risen to be the first ornaments of the law, will forever do honor to his memory. His application while he was a student in the Temple was remarkably intense and though it happened that the early taste he had taken of pleasure would occasionally return upon him and conspire with his spirit and vivacity to carry him into the wild enjoyments of the town, yet it was particular in him, that, amidst all his dissipations, nothing could suppress the thirst he had for knowledge, and the delight he felt in reading. [1]

It was during this period of studying law that he began amassing the books that later developed into an exceptionally fine law library. His interest included cases in Chancery, treatises on Roman law, Crown law, Conveyancing, poor laws, parish laws, and forrest laws. [2] It was with these books that he drew ideas for his novels.

When Fielding was forced to close his theatre and give up his work in drama he had vowed to continue his attacks upon the ministry and now, needing money badly, he became interested in newspaper writing. He joined with six or

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[1]Cross, Wilbur L., The History of Henry Fielding, New Haven, Yale University Press, 1918, P. 14

[2]Ibid., P. 15

seven other men, including Henry Chappelle Lawton Gilliver (former printer of "The Grub-Street Journal) and John Nourse (book dealer to whom Fielding owed money), and they began the newspaper called "The Champion." Seventy long essays appeared in the first seven months and the majority of the work fell to Fielding's lot. He took the pseudonym of Captain Hercules Vinegar, and attacked all enemies of "Common sense, the public weal, and the British language." [1] The first number appeared November 12, 1739, and he retired from the paper in March, 1741.

There are many instances in these essays that distinctly foreshadow the literary and moral attitudes in Chapters of Tom Jones and Joseph Andrews. This is especially evident in four articles written on the "good" clergyman that is decidedly indicative of the character of "Parson Adams" in Joseph Andrews. Fielding wrote:

> one whose principal virtues should be charity, forgiveness, and above all poverty, who should spend his life among his parishoners, especially among those who most need his help, the poor and unhappy. [2]

"The Champion" was definitely a fighting paper and Fielding was the most active instigator of the fights, having two particular enemies at the onset. He attacked

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[1]Digion, Aurelian, The Novels of Fielding, George Routledge and Sons, Ltd., London, 1925, P. 21

[2]Ibid., P. 22

Colley Cibber harshly and accused him of having bad taste and no writing ability. He made a "pitiless examination of his style, with the conclusion that the language is probably English, since it cannot be anything else, but that no one would have recognized it." [1] His second enemy was a more dangerous and a greater risk, for he continued his attacks upon Walpole. Fielding called him "Robin Hood" and christened his followers the "Roberdsmen," a name applied to any gang of thieves and rascals.

It was in the essays of this newspaper that the ideas, later to develop and expand in his novels, strengthened by experience and thought, first appeared. For example, here he first expressed the basis of his moral philosophy that "Virtue is a delight in doing good."

At this time troubles began to burden Fielding again, his wife was often ill, his own splendid health began to fail, and money became harder and harder to obtain. He rode the Western circuit of the assizes, and kept up on his law studies, possibly seeking appointment as a magistrate.

On February 22, 1742, The History of the Adventures of Joseph Andrews and his Friend Mr. Abraham Adams, was published. At the time of this publication "Fielding was a well known dramatist. He was to the public a writer of

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[1]Digion, Aurelian, The Novels of Fielding, George Routledge and Sons, Ltd., London, 1925, P. 22

[illegible] ity, like [illegible] returns, and accounts [illegible] of navies and trade [illegible] to writing ability. In [illegible] a "pitiless [illegible] of [illegible], will the conclusion that the language is [illegible] English, since it cannot be anything else, but that no [illegible] have recognized it."[1] His second enemy was a [illegible] dangerous greater risk, for he combined his [illegible] upon majesty. Alleging certain "[illegible] cook" and [illegible] his ability as a "[illegible] woman," a case a [illegible] of thieves and rascals.

It was in the [illegible] of this newspaper that the [illegible] to revitalize the [illegible] Mr. [illegible], strengthened by [illegible] and courage, [illegible]. For a month, [illegible] the basis of a [illegible] philosophy that [illegible] is [illegible] in [illegible].

[illegible] was [illegible] to [illegible] writing [illegible], [illegible] which was [illegible] life, his [illegible] should [illegible] upon [illegible], [illegible] [illegible]. [illegible] [illegible] the [illegible] circle of the [illegible], and [illegible] on his [illegible], possibly [illegible] in a magazine [illegible].

[illegible] of [illegible], 1942, [illegible] of the [illegible] [illegible] [illegible] [illegible], Mrs. [illegible], who [illegible]. [illegible] [illegible] of this [illegible] [illegible] was [illegible]

[illegible]

farces, burlesques, political satires, a wit to his friends, a buffoon to enemies, a needy barrister, a successful playwright, and a slashing political journalist." [1]

In June of 1742, Fielding published "The Miscellanies," for which he gathered handsome subscriptions from his many wealthy and powerful friends. But after this publication he decided to give up literature and devote himself to law exclusively.

Toward the end of 1744, his wife Charlotte died, after a long and serious illness, and he was left with his servant, Mary Daniels, his sister, Sarah Fielding, and one daughter, Harriot.

In September of 1744, Charles Edward, the Pretender, menaced the government, and Fielding once more entered politics. His friends were too powerful and too numerous, Digion tells us, for him to withhold the use of his pen. He published "An Address to the People of Great Britain," pleading the cause of the Hanoverian dynasty and "A Dialogue between the Pope, the Devil, and the Pretender," among other such treatises. Also, he began the publication, November 5, 1745, of a weekly paper, "The True Patriot," which was violently anti-Stuart. And again, in this paper, he attacks through the mediums later so valuable in his

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[1]Blanchard, Frederic T., Fielding, The Novelist, New Haven, Yale University Press, 1927, P.

novels, of ridicule and parody.

On November 27, 1747, Fielding married Mary Daniel, his servant and friend. Although a son, William, was born February 25, 1748, of this marriage, he was not for a moment forgetting his first and only love, Charlotte. He had married Miss Daniel as a man of honor.

> It reveals, after all, a fine side of Fielding's nature, the true inward nobility which will not be deterred for an instant by the prejudices and opinions of his world. In this, indeed, he lacked skill, for the world he had braved avenged itself and never pardoned Henry Fielding for having despised its conventions and married beneath him. [1]

From December 5, 1747, to November 1748, he published "The Jacobite's Journal," which heaped ridicule on the Jacobite movement, parodying their ideals with a heavy hand.

In January, 1749, The History of Tom Jones, A Foundling, appeared definitely. This novel has been known, in part, at the end of 1748. Tom Jones, his longest novel, is his greatest contribution to English literature. The atmosphere is charged with vigor and vitality; it displays his tremendous insight into human nature, his intense sympathy with human failings and his condemnation of downright vice and hypocrisy.

In October, 1748, three months before the publication of Tom Jones, Fielding had at last begun to receive the hard

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[1]Digion, Aurelian, The Novels of Fielding, George Routledge and Sons, Ltd., London, 1925, P. 26

earned spoils of his work as a loyalist. Lyttleton and the Duke of Bedford had procured for him an office of Justice of the Peace. His jurisdiction began at the Bow-Street court and soon was to extend to Middlesex County. There was a vast opportunity for unscrupulous practices in this office. The previous justice had received an income of around one thousand pounds, but Fielding's strict honesty reduced it to three hundred pounds.

As a magistrate Fielding did an amazing job and employed every ounce of energy to put across his ideas of reform. He delivered his first attack in an "Address to the Grand Jury," at the opening of the sessions of June 1749. He painted an exact and very depressing picture of the condition of London morals and promised before taking any other steps to be "vigilant and severe in his repression." His first move was to have the suspects rounded up, including swindlers, cheats and those suspected of encouraging immorality. Next he organized countless raids upon centers of vice and corruption.

Here is what the "Gentleman's Magazine" wrote of him in the first edition in February 1751:

> Justice Fielding having received information of a rendezvous of gamesters in the Strand, procured a strong party of guards, who seized 45 at the table, which they broke to pieces, and carried the gamesters to the Justice, who committed 39 to the Gatehouse, and admitted the other six to bail. There were three tables broken to pieces, which

> cost near 60 pounds apiece; under each of them were observed two iron rollers, and two private springs, which those who were in on the secret could touch . . . . [1]

Fielding realized the inadequacy of the laws concerning such matters. He felt the law of evidence was one of the worst. It was full of confusion and contradiction, making evidence unreliable and inconsequential and giving the law little hold on the real offenders.

Fielding felt very strongly on the subject of capital punishment. He felt hanging could be made much more dreadful by causing it to be private. A criminal would then be hung only in the presence of his enemies and the secrecy of the affair would do much to increase the horror of it in the minds, both of the offenders and the public.

He believed the increase of robbers was due chiefly to the increase of luxury in the eighteenth century. There was an over-abundance of excessive amusements, too much liquor flowed freely, and all combined to spread a "taste for idleness among the masses." [2] Gaming houses, gin, scandalous misinterpretation of the poor laws, insufficient legislation for the handling of those receiving stolen goods, and the pathetic farce that was the police force, all combined to increase and double the spread of crime and

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[1]Dobson, Austin, Henry Fielding, Dodd, Mead and Co., New York, 1900, P. 31

[2]Ibid., P. 31

immorality. The police force, itself, was completely ineffectual, being composed of old men, scarcely able to walk, armed only with a stick and open to the taunts of women and children.

He published a "Proposal for making an effectual provision for the poor, for amending their morals and for rendering them useful members of society. To which is attached a plan of the buildings proposed, etc." [1] This treatise, issued January 14, 1753, was dedicated to Pelham, the Prime Minister.

The chief difficulty with Fielding's plans and proposals for reform lay in their advancement. His project outlining a workhouse, proposed in Parliament, was not realized until the next century. However, he was responsible for several laws passed regarding punishment of misdemeanors and crimes, the reorganization of the police force and the creation of a real detective force. Under his administration, robbery and rioting subsided and disappeared almost completely in the streets of London.

In December, 1751, Fielding published Amelia, his last novel. It was chiefly attacking the terrible conditions in the prisons of this period. A general review of the conditions then existing show that as long as the keeper of the gaol was permitted to make a profit out of the prisoners

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[1]Dobson, Austin, Henry Fielding, Dodd, Mead and Co., New York, 1900, P 33

committed to his charge, it was quite impossible to instill healthful conditions or, for that matter, even of common humanity. Irons and chains were used to secure the prisoners as saving price of walls or keepers. Prisoners were sometimes chained in underground cellars, or in roofless yards, both sexes, all ages, healthy or sick, guilty or innocent. There was no provision for sanitation, food, clothes or heating. [1]

Dr. William Smith wrote in his paper on the "State of Gaols in London, Westminister and Boroughs of Southwark," in 1776:

> Vagrants and disorderly women of the very lowest and most wretched class of human beings, almost naked, with only a few filthy rags almost alive with vermin, their bodies rotting with the bad distemper, and covered with itch, scorbutic and veneral ulcers; and being unable to treat the constable even with a pot of beer to let them escape, are drove in shoals to gaols, particularly to the two Clerkenwells and Tothill Fields; there thirty and sometimes near forty of these unhappy wretches are crowded or crammed together in one ward, where, in the dark, they bruise and beat each other in a most shocking fashion. [2]

It is small wonder that Fielding, the magistrate, well acquainted with these conditions, should have strived to remedy conditions. "The Convent Garden," the very last paper he ever published, had as its object, a desire to con-

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[1]Webb, Sidney and Beatrice, English Prisons Under Local Government, Longmans, Green and Co., New York, 1922, P. 18

[2]Ibid., P. 20

tribute to deep, moral reform. The Justice wanted to win the favor of the people and make them aware of the necessity of their approval and aid in his desire for reform. On November 25, 1752, he wrote "I shall here lay down a paper, which I have neither inclination nor leisure to carry on any further." [1]

June 30, 1754, he sailed for Lisbon, where he died, October 8, 1754, at the age of forty-seven.

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[1] Digion, Aurelian, The Novels of Fielding, George Routledge and Sons, Ltd., London, 1925, P. 34

CHAPTER II

Critical Opinions; Contemporary and Modern

Henry Fielding, now granted a place as one of the greatest and most profound novelists of the Eighteenth Century, was in a totally different position at the beginning of his career in fiction. Richardson, "the prose phenomenon of the age," was ranked far above him and placed on a par with Shakespeare, while Fielding was not taken seriously by the general public and jeered by personal and political enemies.

> Rarely is it given a man to see the follies and vices of his own age through the eyes of succeeding generations. Nor is the ability to do this always of much material advantage to the possessor, its reward being too often, simply malevolence and injurious treatment. Such in brief was the fate of the novelist Henry Fielding, whose genius - in its trend and attitude largely obscured to his contemporaries - has only within the last few decades been adequately shown in its fuller significance. [1]

Up until the time of the publishing of Joseph Andrews, Fielding had been known as a dramatist, a vigorous satirist, a political essayist and a struggling law student. It is not surprising that the public found it

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[1] Blanchard, Frederick T., Fielding, the Novelist, Yale University Press, New Haven, 1927, p. 1

hard to add "serious novelist" to his list of abilities. The versatility of the man was against him.

In his novels he was the first to succeed in applying the dramatic technique. He did not write expositions of the characters' inmost thoughts as did Richardson, but instead, sought to reveal emotions by actions. Thus he created living characters rather than the stock figures commonly employed at that era. Indeed, he asserted once, that he did not think he had ever related any incident that was an exaggeration of reality; that he was merely weaving together incidents and personages he had observed.

Reception of Joseph Andrews

In February, 1742, when Joseph Andrews appeared, Samuel Richardson's novel, Pamela, was still a "nine days' wonder." By May of the same year, four editions of it had appeared. The book achieved such commendation and fame as a fascinating and moral story that it was recommended from the pulpit. Ladies, in public gatherings, carried copies of the book with them and discussed it during teas, in chance meetings, and even between acts of a drama.

But in addition to the praise this novel aroused,

it also caused its share of opposition. Pamphlets of attack appeared, parodying the novel of propriety and morality and questioning the innocence of Pamela. Among the most famous of these booklets was Shamela, which Richardson attributed to Henry Fielding. Blanchard writes of Shamela: "Most critics nowadays regard the pamphlet as a deserved exposé of the morbidity of Richardson's first novel." [1] And it is true that this writing made Richardson wince more than any other. He personally was so convinced of its authorship that he referred to it often in his later attacks upon Fielding.

Joseph Andrews, appearing such a short time after the novel Pamela, should, logically, have aroused a tremendous amount of comment; however, the most "striking fact about the immediate reception of this novel is the paucity of reference to it by those from whom comment might have been expected." [2]

A discriminating reader is struck by the contrasts in personality and literary technique of the two men who, attacking the same ideas and writing for the same purposes, revealed themselves so diversely in both character and incident. Both men were seeking reform, attacking

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[1] Blanchard, Frederick T., Fielding, The Novelist, Yale University Press, New Haven, 1927, p. 3

[2] Ibid., p. 4

sham and vice but their methods were the extreme opposite. While Richardson drew pictures of beauty and painted a state of perfect holiness, Fielding relied upon the starkest of realism and ridicule to expose the same vices of immorality and ostentation.

> In social relations, education and range of experience Fielding . . . was Richardson's superior. In his novels this superiority shows itself in a greater variety of human character, a more fully peopled world of outdoor as well as indoor life, and a wider sympathy and understanding. [1]

> To Henry Fielding's robust and masculine genius, never very nicely sensitive where the relations of the sexes are concerned, the strange conjunction of purity and precaution in Richardson's heroine was a thing unnatural, and a theme for inextinguishable Homeric laughter. [2]

Fielding began his novel with the idea of parody, taking Joseph, the brother of Pamela, in circumstances similar to those of his perfect sister, in the hands of a "dissolute woman of fashion." It was to be a similar tale of a young man's struggle to retain his purity in a world of importunity and evil. But after the conclusion of ten chapters he suddenly became so interested in his characters, especially Parson Adams, that he partially

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[1] Lovett, Robert Morss, and Hughes, Helen Sard, History of the Novel in England, Houghton Mifflin Co., The Riverside Press, Cambridge, 1932, p. 63

[2] Dobson, Austin, Henry Fielding, Dodd, Mead and Company, New York, 1900, p. 103

lost sight of his original idea and developed the novel along more creative lines.

Yet, in the year 1742, the only notable criticism recorded is the famous comment made by young Thomas Gray in answer to his friend, the staunch supporter of Fielding, Richard West.

> I have myself, upon your recommendation, been reading Joseph Andrews. The incidents are ill laid and without invention; but the characters have a great deal of nature, which always pleases even in the lowest shapes. Parson Adams is perfectly well; so is Mrs. Slipslop, and the story of Wilson, and throughout he shews himself well read in Stage-Coaches, Country Squires, Inns and Inns of Court. His reflections upon high people and low people, and misses and masters, are very good. However the exaltedness of some minds (or rather as I shrewdly suspect their insipidity and want of feeling or observation) may make them insensible to these light things. (I mean such as characterize and paint nature) yet surely they are as weighty and much more useful than your grave discourses upon the mind, the passions, and what not. [1]

While the comments of the poet, Gray, could not be considered extravagant praise in any sense of the word, it was positively enthusiastic in comparison with the comment of William Shenstone in a letter to Richard Graves. Shenstone wrote:

> Indeed, as to the little parody you send, it would fix your reputation with men of sense as much as (greatly more than) the whole tedious

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[1] Blanchard, Frederick T., Fielding, The Novelist, Yale University Press, New Haven, 1927, p. 5

> character of Parson Adams. I read it half a year ago; . . . but made Mr. Shuckburgh take it again, imagining it altogether a very mean performance. . . I liked the tenth part pretty well; but as Dryden says of Horace (unjustly), he shews his teeth without laughing: the greater part is unnatural and unhumorous. It has some advocates, but, I observe, those not such as I ever esteemed tasters. Finally, what makes you endeavor to like it? [1]

It seems strange that no mention of this novel was made in any of the writings of Lord Chesterfield, who discussed Pamela at length. Fielding had lost a great supporter in Swift, who had always held a high opinion of Fielding's "wit" as a dramatist and essayist; but "by November, 1742, Swift had become hopelessly insane." [2]

Smollet wrote "handsomely" of Fielding as a novelist, although he had bitterly attacked him in newspaper warfare. He said:

> The genius of Cervantes was transfused into the novels of Fielding, who painted the characters and ridiculed the follies of the age with equal strength, humour and propriety. [3]

"But Richardson never became reconciled to Fielding's encroachment upon domains which belonged to himself alone by

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[1]Blanchard, Frederick T., Fielding, The Novelist, Yale University Press, New Haven, 1927, p. 7

[2]Ibid., p. 10

[3]Birrell, Augustine, More Obiter Dicta, Charles Scribner's Sons, New York, 1924, p. 110

right of prior invasion." [1] However, he made no comments until after the publication and rise to popularity of Tom Jones, Fielding's masterpiece. His comments were always full of bitterness, spite and malevolence. In 1749, he wrote: "Before his Joseph Andrews . . . the poor man wrote without being read, except when his "Pasquins," . . . etc. roused party attention and the legislature at the same time." [2] And on January 9, 1749, he wrote, in a letter to Lady Bradshaigh:

> As to the list of Fielding's performances, I have seen at least twenty of them; for none of which, before Joseph Andrews (except for such as were of a party turn), he gained either credit or readers. [3]

One of Richardson's prize remarks, later often quoted by his friend, Samuel Johnson, was, "had he not known who Fielding was, he should have believed he was an ostler" because of the low breeding of his characters, and that "the virtues of Fielding's heroes were the vices of a truly good man." [4]

All the criticisms of the period, however, were not

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[1] Cross, Wilbur, The History of Henry Fielding, vol. III, Yale University Press, New Haven, 1918, p. 153

[2] Blanchard, Frederick T., Fielding the Novelist, Yale University Press, New Haven, 1927, p. 10-11

[3] Ibid., p. 11

[4] Cross, Wilbur, The History of Henry Fielding, vol.III, Yale University Press, New Haven, 1918, p. 159

adverse for Miss Elizabeth Carter, one of the literary ladies of the period, who was beginning to achieve public recognition for her own literary accomplishments, wrote on January 1, 1743:

> Joseph Andrews contains such a surprising variety of nature, wit, morality, and good sense, as is scarcely to be met with in any one composition, and there is such a spirit of benevolence runs through the whole, as I think renders it peculiarly charming. The author has touched some particular instances of inhumanity which can only be hit in this kind of writing, and I do not remember to have seen observed any where else; these certainly cannot be represented in too destestable a light, as they are so severely felt by persons they affect, and looked upon in too careless a manner by the rest of the world. [1]

Miss Carter was referring to the attacks upon the corruption of the law; Fielding's exposure of graft and bribery, his contempt for the perversion of justice and the general degradation of principles.

It is important to keep one fact in mind in reading these early criticisms of Henry Fielding, the fact that much of the opposition was, in reality, criticism of the man. His writings in the field of drama and politics had made for him a great many enemies, who used every imaginable weapon to attack and discredit, not only his writings, but his personal character and reputation as well.

It is significant as a report on the taste of the

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[1] Blanchard, Frederick T., Fielding, the Novelist, Yale University Press, New Haven, 1927, p. 18

era that the general public sentiment of England was reflected in France. As proof of this we read the comment of Chevalier Ramsay, written in a letter dated September 1, 1742.

> I have read the first book of The History of Joseph Andrew, but don't believe I shall be able to finish the first volume. Dull burlesque is still more insupportable than dull morality. Perhaps my not understanding the language of low life in an English style is the reason of my disgust; but I am afraid your Britannic Wit is at as low an ebb as that of the French. [1]

Nevertheless, Joseph Andrews, was a widely read book, although the commentaries and criticisms are not profuse. We have proof of this in Professor Cross' summary of the editions published.

> Three London editions of Joseph Andrews, six thousand and five hundred copies altogether, in the course of thirteen months, with a French translation, twice printed, soon following, would indicate a body of readers numbering about half that enjoyed by Pamela, of which there were six English editions the first year. Two more authorized editions of Joseph Andrews were yet to appear in English during Fielding's lifetime - one in November, 1748, though dated 1749, and the other in 1751. There were also two Dublin editions, the first of which came out in 1742, the second in 1747. [2]

We have seen in our study of Fielding's life that the seven years following the publication of Joseph Andrew

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[1] Blanchard, Frederick T., Fielding, the Novelist, Yale University Press, New Haven, 1927, P. 25

[2] Cross, Wilbur, The History of Henry Fielding, Vol. I, Yale University Press, New Haven, 1918, p. 357

was spent in serious application to his law study and practise. He evidently felt that a lawyer, known to be a poet and a writer of fiction, labored under a serious handicap. Perhaps it is his own experience that he has written into the story of Mr. Wilson in Book II, Chapter 4 of Joseph Andrew.

> I had an acquaintance with an attorney, who had formerly transacted affairs for me and to him I applied; but instead of furnishing me with business, he laughed at my undertaking, and told me he was afraid I should turn his deeds into plays, and he should expect to see them on the stage. [1]

Reception of Tom Jones

The History of Tom Jones, a Foundling, was known by the end of 1748, although it did not appear, completed, until January, 1749. Lord Lyttleton, to whom the book is dedicated in the long preface, had encouraged Fielding and provided a great deal of publicity to insure the novel's success. We read of this advance publicity in the letters of a certain Birch, who served as conveyor of literary news to the Earl of Orrery. In a letter, dated January 19, 1747, we read:

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[1] Jones, B. M., Henry Fielding, Novelist and Magistrate, George Allen and Unwin Lts., London, 1933, p. 80

> Mr. Fielding is printing three volumes of Adventures under the title of The Foundling. Mr. Lyttleton, who has read the manuscript, commends the performance to me as an excellent one, and abounding with strong and lively painting of characters, and a very copious and happy invention in the conduct of the story. [1]

In September of 1748, some months before the publishing of Tom Jones, the newspaper, "Old England," brought a violent attack upon Fielding, written in a communication to the editor:

> You have detected his ignorance in grammar, his false English and his meanness of language more than once. You have also shown his unacquaintance not only with law itself, but with the very terms of it, tho he boasts so loud of his knowledge that way, and of his being brought to bed soon of a Law book, begotten upon himself by the Notes of an old judge, which is to be published at the same time with six volumes of his novels spick and span new fronted with special dedications. An odd sort of author this! A kind of Jack of all trades! A would-be humorist, a farce maker, a journal scribbler, a mock lawyer, a novel framer. [2]

This is only one of the many criticisms written concerning Fielding's use of legal terms. Perhaps some of the comments were written by those unacquainted with the terms, but it is more likely they served as covert attacks upon the novelist's legal knowledge by jealous rivals who wished to cast discredit upon his ability as a lawyer by rais-

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[1] Blanchard, Frederick T., Fielding, the Novelist, Yale University Press, New Haven, 1927, p. 29-30

[2] Jones, B. M., Henry Fielding, Novelist and Magistrate, George Allen and Unwin, Ltd., London, 1933, p. 95

ing questions in the minds of the public who could not judge the validity of the criticisms.

In spite of Fielding's many enemies and opponents the success and popularity of Tom Jones continued to grow from the day it appeared. The two years between its publication and that of Amelia were a constant proof of the growing popularity. By the end of 1749 there were four London editions and one Dublin edition in existence. On February 28, 1749, one of the booksellers declared in his advertisement that it was "impossible to get Sets bound fast enough to answer the Demand;" his patrons might "have them sew'd in Blue Papers and Boards." [1]

The announcements and comments in "The Gentleman's Magazine" and "The London Magazine" are strikingly different. "The London Magazine" devoted its first four opening pages to a review of the novel. On the other hand, "The Gentleman's Magazine," controlled by Samuel Johnson, the staunch Richardsonian, made no mention of the novel beyond the inclusion of the title in the customary lists of recent publications.

The amazing popularity of the novel continued to grow until "Tom Jones" and "Sophia" were household words. "Lady Bradshaigh, Richardson's beloved 'Incognita,' said

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[1] Blanchard, Frederick T., Fielding, the Novelist, Yale University Press, New Haven, 1927, p. 35

she had heard so much of Fielding's book she was 'fatigued' with the very name. She had lately fallen into the company of several young ladies who had 'each a Tom Jones in some part of the world, for so they call their favorites;' and, in like manner, 'the gentlemen have their Sophia's.'" [1]

It is amazing to note the persistency, the amount and the sheer brutality of the attacks upon Fielding.

> None of the great English novelists has ever been so savagely and so continuously manhandled - Fielding's success was a bitter draught for his truculent assailants. [2]

But the tremendous popularity and vogue of Tom Jones cannot be denied.

Samuel Richardson could not get over his jealousy and hatred of Fielding and in 1749, he began his attack. He wrote to Aaron Hill:

> Dear Sir, have you read Tom Jones? . . . I have found neither Leisure nor Inclination, yet, to read that Piece, and the less inclination as several good judges of my acquaintance condemn it and the general taste together. I could wish to know the Sentiments of your ladies upon it. If favorable they would induce me to open the six volumes. [3]

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[1] Blanchard, Frederick T., Fielding, the Novelist, Yale University Press, New Haven, 1927, p. 40

[2] Ibid., p. 61

[3] Ibid., p. 62

The ladies in question were the two daughters of Aaron Hill and were almost as ardent in their admiration of Richardson, as their father. Imagine the tremendous surprise with which Richardson read the reply to his letter, the following week.

> They had read, they declared, 'the whole six six volumes; and found much (mask'd) merit, in 'em all; a double merit, both of Head, and Heart! They think the author wears his 'Lightness, as a grave head sometimes wears a Feather: which tho' He and Fashion may consider as an ornament, Reflection will condemn, as a Disguise, and covering.' They commend the underlying moral of the book; 'Is events reward Sincerity, and punish and expose Hypocrisy; shew Pity and Benevolence in amiable Lights, and Averice and Brutality in very dispicable ones. In every Part it has Humanity for its intention! They admit that there are in the novel 'bold shocking Pictures; and (I fear) not unresembling ones in high life and low'. . .

That Richardson was appalled at this letter is ably shown in his immediate and harsh reply. He chided the girls for their lack of discrimination and advised them to be more careful in later reading.

Society in the eighteenth century felt weeping was beneath the dignity of the respectable, and the pathos of certain parts of Tom Jones, and Fielding's other novels, was therefore disregarded by the fashionable reader. It is partly due, therefore, to this rigid code of the "respectable" that Fielding was relegated to the ranks of a mere humorist, or, to use Mr. Blanchard's expression, called a "buffoon."

Sam Johnson, who took over Richardson's cause in blasting Fielding, expressed the opinion in "The Rambler" for March 31, 1751, that he regretted the wicked heroes who are given so many good qualities that we "lose the abhorrence of their faults." [1]

Let us sum up the reception of Tom Jones with Arthur Murphy's comment upon Fielding as a novelist.

> In the progress of Henry Fielding's talents, there seem to have been three remarkable periods; one, when his genius broke forth at once, with an effulgence superior to all the rays of light it had before emitted, like the sun in his morning glory, without the ardour and the blaze which afterwards attend him; the second, when it was displayed with collected force, and a fullness of perfection, like the sun in meridian majesty, with all his highest warmth and splendour; and the third, when the same genius, grown more cool and temperate, still continued to cheer and enliven, but shewed at the same time, that it was tending to its decline, like the same sun, abating from his ardour, but still gelding the western hemisphere. [2]

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[1] Blanchard, Frederick T., Fielding, the Novelist, Yale University Press, New Haven, 1927, p. 69

[2] Cross, Wilbur, The History of Henry Fielding, Yale University Press, New Haven, 1918, p. 133

Reception of Amelia

Amelia was published December 18, 1751, and upon this day Fielding was at the peak of his career for the whole edition was reputed to have been sold by nightfall. Samuel Johnson is quoted as saying that Amelia was "perhaps the only book, which, being printed off betimes one morning, a new edition was called for before night." [1] This statement, of course, is only technically correct for the second printing was made from the same plates and therefore was only a second "impression," but nevertheless it was definitely a distinction for the author. Five thousand copies were printed in December and three thousand in January.

Accounts of the book, the very month of publication, appeared in "The Monthly Review" and "The London Magazine," the two papers upon a friendly relationship with the author. The promptness of these articles, Cross suggests, may infer that the editors had been supplied with advance copies.

"The Monthly Review" wrote very high commendations upon the novel, lauding the author for opening the story at the very point where most authors closed, using the

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[1] Banerji, Hiran Kumar, Henry Fielding, B. Blackwell, Oxford, 1929, p. 225

state of matrimony as a starting point. The article contrasts Fielding with the French novelists, who have turn- "conjugal love into ridicule," and says further, "be it said, to the honour of the English, and to this writer in particular, that he never thought so ill of the public as to make his court to it at the expense of the sacred duties of morality." [1]

"The London Magazine" wrote an elaborate summary of the plot and then proceeded to point out the glaring anachronism in the timing. Booth and Amelia, who were supposed to have married prior to the seige of Gibraltar in 1727, "are still young when they go to the masquerade at Ranelagh, where masquerades were not introduced until the middle of the century." [2] But the most damaging remark made by the reviewer regarded Amelia's nose, which Fielding described as badly smashed in a fall.

Doctor Johnson says the "vile broken nose never cured ruined the sale" [3] of the book and it will be shown this was very true.

Amelia had only been out a few days when Fielding's

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[1] Blanchard, Frederick T., Fielding, the Novelist, Yale University Press, New Haven, 1927, p. 80

[2] Banerji, Hiran Kumar, Henry Fielding, B. Blackwell, Oxford, 1929, p. 225

[3] Ibid., p. 226

enemy, "Old England," was glorying over "the almost lifeless Corpse of this poor, wretched, departing Novel." [1]

Due to the success of Tom Jones and its advance publicity, A. Millar, the printer, had attempted to perform the same service for the new novel, Amelia. When it appeared on the market he wrote:

> To satisfy the earnest Demand of the public, this Work has been printed at four Presses; but the Proprietor notwithstanding finds it impossible to get them (sic) bound in Time, without spoiling the Beauty of the Impression, and therefore will sell them sew'd at Half-a-Guinea. [2]

Fielding was bitterly attacked in a long-enduring newspaper war by Smollet, Hill and Kendrick, his old newspaper enemies, and a newcomer, Bonnell Thornton. He finally defended himself in the seventh and eighth numbers of his "Convent-Garden Journal." It was a kindly defense, written along the lines of a trial of a "Beauty Without a Nose." He concludes the article with the oft-quoted phrase that he "will trouble the World no more with any Children" of his "by the same Muse." [3]

Richardson had previously remarked that "the charac-

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[1] Blanchard, Frederick T., Fielding, the Novelist, Yale University Press, New Haven, 1927, p. 83

[2] Dobson, Austin, Fielding, London, Macmillan and Co., 1883, p. 152

[3] Blanchard, Frederick T., Fielding, the Novelist, Yale University Press, New Haven, 1927, p. 90

ters and situations are so wretchedly low and dirty"[1] he did not read further than the first volume. And when Fielding's defense appeared he wrote his relief and delight to Mrs. Donnellan in a letter:

> Captain Booth, Madam has done his own business. Mr. Fielding has over-written himself, or rather under-written; and in his own journal seems ashamed of his last piece; and has promised that the same Muse shall write no more for him. The piece, in short, is as dead as if it had been published forty years ago, as to sale.[2]

There is no denying the fact that the popularity of Amelia suffered tremendously because of the heroine's noseless state. Eighteenth century readers demanded beauty, and Amelia's beauty of spirit, loyalty and steadfast strength of character could not offset her lack of physical appeal. She simply did not fit the mold for a heroine.

There were some favorable criticisms of the book, written, for the most part, by anonymous persons. One of these is accredited to the physician, Dr. John Kennedy, and defends the book, saying the failure is due to bad taste and lack of discrimination on the part of the readers, not due to the physical lacks of the heroine. This comment appears, supposedly, in response to the question from a friend in the country as to the writer's opinion of the

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[1] Dobson, Austin, Fielding, Macmillan and Co., London, 1883, p. 159

[2] Ibid., p. 160

book, and the opinion of the general public. He writes:

> Were I to take it from the circle of my own acquaintance, I should mention Amelia to you as a most finished performance. What you take notice of an to Amelia's nose was an omission . . . which has occasioned a vast deal of low wit, and been a standing joke here. I dare say it will be emended in any future edition. [1]

In later years Amelia found a far kinder reception. McSpadden writes the comment of E. P. Whipple:

> Amelia leaves the finest impression of quiet domestic delight (of any of his novels), of the sweet home feeling, and the humanities connected with it. Amelia, herself, the wife and mother, arrayed in all the matronly graces, with her rosy children about her, is a picture of womanly gentleness and beauty and unostentatious heroism, such as never leaves the imagination in which it has once found a place. [2]

Still, in the eyes of Fielding's contemporaries, the novel was definitely a failure, due not only to the heroine's lack of beauty but also because of the public's distaste for the author's choice of subject matter and his sketches from life. In this novel he was exposing far more dangerous material in that all of his exposure of the law revealed the corruption and degradation of principles. The public may have felt the thesis smacked too much of propaganda and characteristically shied away from facing unpleasant facts that did not intimately touch their own lives.

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[1] Blanchard, Frederick T., Fielding, the Novelist, Yale University Press, New Haven, 1927, p. 93

[2] McSpadden, J. Walker, Henry Fielding, Croscup and Sterling Co., New York, 1902, p. 19

His reputation as a novelist, though considerably shaken by the public ridicule of Amelia, was undeniably very great; but he had not succeeded in dethroning Richardson, nor had he won that position as a writer which we accord him today. [1]

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[1] Blanchard, Frederick T., Fielding, the Novelist, Yale University Press, New Haven, 1927, p. 103

CHAPTER III

Joseph Andrews

Introduction

The novel Joseph Andrews, modeled upon the general plan of Richardson's Pamela, appeared in February, 1742. In this novel Fielding had a three fold purpose: 1. to parody and ridicule Richardson's pattern of ideal goodness, 2. to create living, breathing characters to illustrate his own thesis that the only true source of the ridiculous is hypocrisy and affectation, and 3. to show his own concern over the evil administration of justice and the laxity and corruption of the law.

The plot is based upon his theory of the comic romance. In the preface to Joseph Andrews, we find his explanation of this theory.

> A comic romance is a comic epic poem in prose; differing from comedy, as the serious epic from tragedy: its action being more extended and comprehensive; containing a much larger circle of incidents, and introducing a greater variety of characters. It differs from the serious romance, in its fable and action, in this: that as in the one these are grave and solemn, so in the other they are light and ridiculous: it differs in its character by introducing persons of inferior rank, and consequently of inferior manners, whereas the grave romance sets the highest before us: lastly, in its sentiments and diction, by preserving the

ludicrous instead of the sublime. [1]

Fielding declares burlesque may be used in the diction but must be carefully excluded from the characters and the basic sentiments. He compares burlesque with caricatura in painting, which allows all distortions and exaggerations, with very little basis upon reality or nature, differing completely from the true comic or ridiculous.

> The only source of the true Ridiculous (as it appears to me is affectation) . . . Now, affectation proceeds from one of these two causes, vanity or hypocrisy: for as vanity puts us on affecting false characters, in order to purchase applause, so hypocrisy sets us on an endeavor to avoid censure, by concealing our vices under an appearance of their opposite virtues. [2]

In order that we may have some sort of intelligent organization in our further discussion of the references to law in the novel, it seems best to give a brief, general summary of the plot.

The Plot

Joseph Andrews, the hero of the story, is the only son of Gaffer and Gammer Andrews, and brother to the virtuous and successful Pamela of Richardson's novel. Since the age of

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[1] Fielding, Henry, Joseph Andrews, Godfrey A. S. Wieners, Library Edition, Preface, p. 18

[2] Ibid., p. 22

ten he had served under Sir Thomas Booby, where he was noted for his beauty, a musical voice, and an intense desire to serve. At the age of seventeen he was raised from his position in the stables to serve under Lady Booby as footboy. And it was at Church that he came to the attention of the good curate, Abraham Adams, an excellent scholar of Latin and Greek. Joseph, who had a great desire to learn, particularly in the ways of God, became a pupil of the good man and a close friendship ensued.

A short time later the lady went to London, taking Joseph with her and difficulties soon arose. Sir Thomas died and Lady Booby was forced to go into proper retirement to mourn. In her bed one morning the Lady chanced to think of Joseph and sent for him. She questioned his innocence and showed herself to be quite willing to accept a more familiar relationship with him. At his misinterpretation of her offers she angrily sent him away. Mrs. Slipslop, the waiting-gentlewoman, also made an attack upon the boy's purity and being repulsed by his telling her he loved her as his mother, she sought revenge. Several other such interviews passed between Joseph and Lady Booby, Joseph's regard for his own purity always prevailing, and soon he had offended the Lady so greatly that he is sent packing.

Joseph's adventures on the road, traveling toward

his home, are recounted in the ensuing chapters of Books I, II, and III. Included are attacks by thieves and highwaymen, adventures by stage coach and at inns, contacts with landladies, chambermaids, farmers and curates, justices and squires. Abraham Adams meets Joseph on the road and the two travel on together, the curate's good nature and his absentmindedness affording some excellent adventures and discussions.

In one of their adventures they meet Fanny, Joseph's childhood sweetheart, who, having heard of Joseph's difficulties, has selflessly come to meet and aid him. Mr. Wilson's story is told, one of the best short stories Fielding incorporated and the tale of Leonora, "the unfortunate jilt."

Lady Booby, in the meantime, finds her passion for Joseph has not relented and follows him to the parish where his parents, and her own relatives, live. She hears of Fanny and resolves to break up the romance. We meet the unscrupulous lawyer, Scout, and Justice Frolick, who, in obedience to the wishes of Lady Booby, is about to commit Joseph and Fanny to Bridewell, when Squire Booby arrives to rescue them. The story ends with the untangling of heredity. Fanny is discovered to be the daughter of Gaffer and Gammer Andrews, which would make her Joseph's sister. This disaster is remedied when they find Joseph to be

Wilson's long-lost son. Both babies had been stolen by gypsies. The story ends with the consummation of Fanny's and Joseph's dreams, for the two are married and look to a future of idyllic bliss.

Law in Joseph Andrews

The corruption of the law in the time of Henry Fielding was almost unbelievable. To a man of his fine sensibilities and deep interest and compassion for humanity, the conditions must have seemed especially disturbing. Even as a boy, Fielding had been interested in the working of the law and his recourse to serious study of the field undoubtedly had a tremendous effect upon his writing. Henry Fielding was essentially a reformer, and from his close connection with the workings of the law courts, his own experiences with poverty and vice, nothing could have been more natural than his incorporation of these evils in his thesis.

Fielding wrote that the better class of society might be awakened to a realization of these problems and might be stirred to aid his hopes for reform. He attacked the problem from every angle he could visualize, laying aside the cloak of respectability and painting the situa-

tions with the stark details of reality. Grandson of a Justice of the Queen's Bench, possessor of a large and complete law library, serious law student, struggling writer and, finally, magistrate, no one could have been closer to the situation or better informed as to the actual state of affairs. And yet he was continually attacked by his contemporaries on the charge of misuse of legal terms and misinterpretation and exaggeration of facts.

His preoccupation with law is shown in each of his novels. In Joseph Andrews he makes over thirty direct references to the question. In this novel he discusses innumerable phases of it, including justices, lawyers, bribery, bailiffs, prison conditions, rape and adultery, felony, larceny, and debt. He is particularly strong in his condemnation of the Justices and law courts, the host of ignorant lawyers who talk law gibberish without the vaguest conception of what they are discussing and the general misuse of authority.

It is interesting to note that Fielding was so accustomed to using terms of law that in explaining a conflict in a person's mind, or in contrasting two sides of a question, he continually uses legal terms. For example, in Chapter 4, we find Lady Booby, whose every advance had been repulsed by Joseph, in an extremely troubled state of

mind. In her anger at his refusal of her charms she had ordered Peter Pounce, her steward, to pay Joseph his wages and turn him out of the house. Now we find her very upset, passions vying with pride and anger. Fielding expresses it as a trial, Love serving as Joseph's advocate, assisted by Honor and Pity; Pride and Revenge speaking for the other side. Here the author breaks into the story to give the simile a further application to the law:

> So have I seen, in the hall of Westminister, where Sergeant Bramble hath been retained on the right side, and Sergeant Puzzle on the left, the balance of opinion (so equal were their fees) alternately incline to either scale. Now Bramble throws in an argument, and Puzzle's scale strikes the beam; again Bramble shares the like fate, overpowered by the weight of Puzzle. Here Bramble hits, there Puzzle strikes; here one has you, there t'other has you, till at last all becomes one scene of confusion in the tortured minds of the hearers; equal wagers are laid on the success, and neither judge nor jury can possibly make any thing of the matter, all things are so enveloped by the careful sergeants in doubt and obscurity. [1]

It must be clearly understood that Fielding was not attacking the need for law, he fully realized the importance of law for society; he was attacking the abuses, the self-imposed complexities that man had added and embroidered to the law until a man uninitiated into the embellishments of the language could not comprehend the issues. He compared the lady's state of mind with the jumble of a

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Ibid., Book I, Chapter III, p. 56

case between two lawyers, each trying to confuse the other. And both succeeding so well that the real issue was obscured and lost in the maze of complexities.

Again, in Chapter XII, Fielding attacks this same point, illustrating the pride of a young lawyer in his intricate language by incorporating vague legal terms in all of his conversations, doubtless feeling it not advisable to depart from the dignity of his profession even in jesting.

> If Joseph and the lady were alone, he would be more capable of making a conveyance to her, as his affairs were not fettered with any incumbrance; he'd warrant he soon suffered a recovery by writ of entry, which was the proper way to create heirs in tail; that, for his own part, he would engage to make so firm a settlement in a coach that there should be no danger of an ejectment. [1]

In Book IV, there is another reference to the "gibberish" employed by the lawyers to obscure their meaning. Lady Booby, angry at Joseph and jealous of Fanny, is determined to evict the two of them from her vicinity. Lawyer Scout tells her he can serve her purpose as well as any other, to prevent the protection of their rights by law.

> . . . madam, your ladyship, not being conversant in these matters, hath mistaken a difference; for I asserted only that a man who served a year was settled. Now there is a

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[1] Ibid., Book I, Chapter XII, p. 66

> material difference being settled in law and settled in fact; and as I affirmed generally he was settled, and law is preferable to fact, my settlement must be understood in law and not in fact. And suppose, madam, we admit he was settled in law, what use will they make of it? how doth that relate to fact? He is not settled in fact; and if he be not settled in fact, he is not an inhabitant; and if he is not an inhabitant, he is not of this parish; and then undoubtedly he ought not to be published here . . . [1]

Lawyer Scout's purpose in his ravings was obviously to entangle his listeners in his legal terms that he might twist the law to serve his purposes and no one be the wiser.

Again, this charcteristic use of legal terms is apparent in a simile later in the same chapter. Mrs. Tow-wouse, the landlady, is berating her husband for allowing Joseph, who had been beaten and robbed, to be left in his house.

> Tow-wouse (who, notwithstanding his charity, would have given his vote, as freely as ever he did at an election, that any other house in the kingdom should have quiet possession of his guest) answered . . . [2]

It is clear that Fielding saw all life as a series of law cases, or, at least, as having connection and application to law, for these examples show even his characters thinking in legal terms.

A short while later we find the thief that had robbed

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[1] Ibid., Book IV, Chapter I, p. 321-322

[2] Ibid., Book I, Chapter XII, p. 68

Joseph, captured. He is guarded by a constable who permits him to escape through a small window while the constable guards the outside door. The suspicions of the others give us again a clear view of the reputation of the officers of the law.

> The constable hath not been discharged of suspicion on this account; it hath been said that, not being concerned in the taking of the thief, he could not have been entitled to any part of the reward if he had been convicted; that the thief had several guineas in his pocket; that it was unlikely he should have been guilty of such an oversight; that his pretence for leaving the room was absurd; that it was his constant maxim that a wise man never refused money on any condition; that at every election he had sold his vote to both parties. [1]

This paragraph of the thoughts of the people assembled at the Inn shed a light upon the attitudes that cannot be ignored. Bribery, we find, was a very common situation, which caused little surprise and seemed to be almost expected. The power of money is undoubtedly a tremendous factor, which is realized by everyone. The allusion to the constable's corruption in voting for money shows the general lack of integrity in politics.

In the next paragraph Fielding satirizes the attitude toward evidence. He says he is assured of the man's innocence in this instance for he has it from a number of

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[1] Ibid., Book I, Chapter XVI, p. 85

people who received their information from the constable himself, which, "in the opinion of some moderns is the best, and indeed only, evidence." [1] If the only true evidence comes from the man accused, abuse of this theory would inevitably follow. That this was not the prevalent idea we see in many cases in the later part of the novel and in the novel Amelia.

Fielding was very conscious of the loop-holes in the law and indicates one of them in the following paragraph:

> . . . Mr. Tow-wouse was in some tribulation, the surgeon having declared that by law he was liable to be indicted for the thief's escape, as it was out of his house; he was some little comforted, however, by Mr. Barnabas's opinion, that as the escape was made by night the indictment would not lie. [2]

The fact that the law would vary for night and day escapes is a ridiculous idea, of course. And, Tow-wouse's ignorance of the law in matters that touched him is a significant point. If the common people were so completely unaware of the existing laws that they accepted the opinions of anyone, as truth, the opportunities for abuse of these laws were unlimited.

In the opening chapter of Book IV, we find another reference to bribery. Lady Booby is discussing with the

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[1] Book I, Chapter XVI, p. 85

[2] Ibid., p. 85

rascal lawyer Scout, ways and means of defeating the plans for marriage between Joseph and Fanny. The lawyer says: "The laws of this land are not so vulgar as to permit a mean fellow to contend with one of your ladyship's fortune." [1] This expresses, in no uncertain terms, the corruption of the law in the hands of those who could pay for the results they desired. And Fielding was completely unafraid to employ this knowledge to lay bare these evils.

Law appears in the advent of departure from the inn. Parson Adams, absentmindedly, left without paying for his horse's board and the innkeeper refused to let Joseph and the horse leave until the debt was paid. "A resolution highly commended by a lawyer then in the yard, who declared Mr. Tow-wouse might justify the retainer." [2]

Adams, himself, was sitting in another inn when two lawyers entered, seated themselves a short way from him and began discussing the case, which immediately recalled Joseph to Adam's mind.

> One of the lawyers immediately asked the other, 'If he had seen a more comical adventure a great while?' Upon which the other said, 'He doubted whether the landlord could justify detaining the horse for his corn and hay. 'But the former answered, 'Undoubtedly he can; it is

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[1]Ibid., Book IV, Chapter I, p. 323

[2]Ibid., Book II, Chapter II, p. 109

an adjudged case, and I have known it tried" [1]

Fielding expresses his preoccupation with the law in his readiness to call upon lawyers to illustrate any incidents needing justification. He devotes a good deal of attention to lawyers in this book and draws upon many experiences to show the inadequacy of the majority in their profession, their prejudices and deviations from fact for personal gain. The two lawyers mentioned in the previous paragraph provide an excellent example of this. The two gentlemen sat down with Adams to converse and drink a mug of beer. Adams, having noticed a gentleman's house a short way down the road, made inquiry about the owner. One of the lawyers immediately reviled the gentleman, saying he ignored the rights of all poor farmers, riding across their fields and trampling down their grain, while he repaid them for their pleas for mercy by a good dose of horsewhipping. He declared his servants hated him as a cruel master and never stayed in his service more than a year. And he continued:

> In his capacity as a justice . . . he behaves so partially that he commits or acquits just as he is in the humor, without any regard to truth or evidence; the devil may carry anyone before him for me; I would rather be tried before some judges than be prosecutor before him;

Ibid., Book II, Chapter III, p. 111

> if I had an estate in the neighborhood, I would sell it for half the value rather than live near him. [1]

This lawyer retired to the yard in a shorttime and the second lawyer immediately expressed his opinion of the previously discussed Justice, saying he was the finest, gentlest taskmaster in the world, the greatest and noblest justice in the kingdom and completely reversed the other lawyer's statements. Adams asked the landlord, privately, if they had been discussing the same man. The landlord replied that he knew the gentleman under discussion very well:

> . . . 'You heard one of the gentleman say he was the worst master in the world, and the other that he is the best; but for my own part, I know all his servants, and never heard from any of them but he was either one or the other.' 'Aye! aye!' says Adams: 'and how doth he behave as a Justice, pray?' 'Faith, friend, . . . I question whether he is in the commission, the only cause I have heard he hath decided a great while was one between those very two persons who just went out and I'm sure he determined that justly, for I heard the whole matter.' [2]

There is no question as to whom the decision favored, but it does not remedy the impression the speeches of the lawyers presented. We are still of the opinion that the lawyers were a prejudiced, unthinking lot, ready to sanction and believe anything in their favor and equally

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[1] Ibid, Book II, Chapter III, p. 112

Ibid., p. 111

willing to condemn anything which was contrary to their best interests.

The next reference to a lawyer lay in the clash between the two lovers in the story of Leonora, "the unfortunate jilt." Horatio and Bellamire desired to retire to duel but the ladies prevented it. Later Leonora's aunt comforted the girl by saying:

> . . . Horatio would not venture his person against so accomplished a cavalier as Bellamire, and that, being a lawyer, he would seek revenge in his own way, and the most they had to apprehend from him was an action.[1]

This subtly expresses the contempt in which the general population held the courage of a lawyer. Horatio was respected as a fair and generous person, but the idea that he would risk his personal safety to duel for his lady was not to be considered.

One of the most damaging pictures of this type of ignorant, crafty, self-seeking barrister is displayed in the chapter dealing with Joseph's experience with the robbers. When he lay naked and groaning in the ditch, a stage-coach came by and stopped to investigate. The people in the coach wanted to drive on instantly and leave him there for fear a similar misfortune should overtake them if they assisted him, but a young lawyer came to his

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[1] Ibid., Book II, Chapter IV, p. 132

rescue, saying:

> He wished they had passed by without taking any notice; but that now they might be proved to have been last in his company; if he should die they might be called to some account for his murder. He therefore thought it advisable to save the poor creature's life, for their own sakes, if possible; at least, if he died, to prevent the jury's finding that they fled for it. [1]

Even in charity this young student of the law was thinking of himself and his own safety. Examples of this sort could not give the reader a very high opinion of the lawyer's sense of moral obligation and arouses a decided feeling of contempt for such a fellow.

We have already gathered some idea of the corruption of lawyer Scout in his dealings with the Lady Booby. But at the conclusion of his interview with the lady the author sees fit to condense his opinion of the man's character and ideals.

> This Scout was one of those fellows who, without any knowledge of the law, or being bred to it, take upon them, in defiance of an act of Parliament, to act as lawyers in country, and are called so. They are the pests of society, and a scandal to a profession to which indeed they do not belong, and which owes to such kind of rascallions the ill-will which weak persons bear towards it. [2]

This paragraph of Fielding's sums up the impression he intends to build in his reader's mind with great clarity.

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[1] Ibid., Book I, Chapter XII, p. 63-64

Ibid., Book IV, Chapter III, p. 324

It is, without doubt, written in plain and very strong words, but Fielding desired to present to the reading public the hypocrisy and lack of integrity in some parts of the profession. Fielding was not a man to mince words or gloss over depravities.

Casually reading Fielding's books affords relaxation and enjoyment, but when one reads with an eye to the interpretation and viewpoint of the age in which he wrote, it is small wonder he stirred up such conflict and opposition. Fielding was attacking the leading judicial powers, stripping them of their dignity and exposing them with satire, making them objects of ridicule and contempt. In his handling of the justices, he was particularly unrelenting and severe. He exposed the graft and bribery involved in the office and in addition he showed the defects and laxities that were due to carelessness and preoccupation with personal advantage. One of his few examples of an honest justice appears in a speech of Adams', talking to the curate Barnabas. The curate had just asked Adams for a funeral sermon and Adams answered:

> . . . he had but one, which he feared would not serve his purpose, being sacred to the memory of a magistrate, who had exerted himself very singularly in the preservation of the morality of his neighbors, insomuch that he had neither ale-house nor lewd woman in the parish where he lived. [1]

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[1] Ibid., Book I, Chapter XVI, p. 90

While this account is not an especially high recommendation for the justice as an officer of the law, at least it commends his morality in a way unusual in those days.

The justice before whom Adams and Fanny were carried, falsely accused of being highway robbers by Fanny's attacker and a group of young men who had happened by, presented a very poor aspect.

> The justice, now being in the height of his mirth and his cups, bethought himself of the prisoners; and telling his company he believed they should have good sport in their examination, he ordered them into his presence. They had no sooner entered the room than he began to revile them. . . After he had gone on some time in this manner, he was reminded by his clerk, 'That it would be proper to take the dispositions of the witnesses against them.' Which he bid him do, and he would light his pipe in the meantime. [1]

The light these words throw upon the man's attitude in the conduction of his duties is hardly commendable. It shows him to be an ignorant man, unaware of the importance of his position as a servant of society and conscious only of the opportunity afforded him to entertain his guests.

After a good deal of coarse wit at the expense of the prisoners, the clerk finished the dispositions and gave them to the Justice "who, having sworn the several witnesses without reading a syllable, ordered his clerk to make the mittimus." [2]

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[1] Ibid., Book II, Chapter XII, p. 168

[2] Ibid., Book II, Chapter XIII, p. 170

> Adams then said, 'He hoped he should not be condemned unheard.' 'No, no,' cries the justice, 'you will be asked what you have to say for yourself when you come on your trial; we are not trying you now; I shall only commit you to jail. If you can prove your innocence at 'size, you will be found ignoramus, and so no harm done. [1]

The clerk, finding a penknife in Adams' pocket, acquainted the justice of the suspicious fact and Adams was accused of being part of a plot against the government. The Justice's further ignorance is shown in his utter lack of acquaintance with the manuscript of Aeschylus found also in Adams' pocket.

At this point Squire Booby, on of the company, recognized Adams and stepped in on his behalf. The immediate change in the tactics of the Justice were even more detrimental to his integrity than his previous actions; as he ordered wine for Adams and treated him with the utmost courtesy and begged him to tell his story.

> When he had finished, the justice, who, on what the squire had said, believed every syllable of his story on his bare affirmation, notwithstanding the dispositions on oath to the contrary, began to let lose several rogues and rascals against the witness, whom he ordered to stand forth, but in vain; the said witness, long since finding what turn matters were likely to take, had privily withdrawn without attending the issue. The justice now flew into a violent passion, and was hardly prevailed with not to commit the innocent fellows who had been imposed on as well as himself. He swore, 'They had best find out the fellow who was guilty of perjury, and bring him before him

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[1] Ibid., Book II, Chapter XII, p. 170

> within two days, or he would bind them all over to their good behavior.' [1]

The incredible lack of principle in the man, his complete partiality and self-interest are difficult to comprehend. That a public servant could be so completely unscrupulous, that he should entirely reverse his position, never demanding actual evidence, but relying upon the words of the side he favored, is difficult to realize. It is small wonder that Fielding had nothing but disgust for such representatives of the law. But this man's failings are minor in comparison with the far worse example of corruption in the sketch of Justice Frolick.

The first acquaintance we have with this justice is in Lady Booby's conference with Lawyer Scout. The lawyer introduces him:

> We have one sure card, which is to carry him before Justice Frolick, who, upon hearing your ladyship's name, will commit him without any farther questions. . . To say truth, it is a great blessing to the country that he is in the commission, for he hath taken several poor off our hands that the law would never lay hold on. I know some justices who make as much of committing a man to Bridewell as his lordship at 'size would of hanging him; but it would do a man good to see his worship, our justice, commit a fellow to Bridewell, he takes so much pleasure in it; and when once we ha'un there, we seldom hear any more o'un. [2]

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[1] Ibid., Book II, Chapter XII, p. 172

[2] Ibid., Book IV, Chapter V, p. 327-328

This prepares us partially for our meeting Justice Frolick. In Chapter V, appears the writ against Joseph and Fanny, written by the justice, himself, fully exposing the man's lack of education:

> These deponants saith, and first Thomas Trotter for himself saith, that on the ___ of this instant October, being Sabbathday, betwin the ours of 2 and 4 in the afternoon, he seed Joseph Andrews and Francis Goodwill walk akross a certane felde belunging to layer Scout, and out of the path which ledes thru the said felde, and there he zede Joseph Andrews with a nife cut one hassel twig, of the value, as he believes, of three half-pence, or thereabouts; and he saith that the said Francis Goodwill was likewise walking on the grass out of the said path in the said felde, and did receive and karry in her hand the said twig, and so was cumforting, eading and abatting to the said Joseph therein. And the said James Scout for himself says that he verily believes the said twig to be his own proper twig, ...[1]

This episode fully illustrates the way in which the vagrancy laws were abused to rid the parish of anyone displeasing the people of title and power. For this inconsequential crime, Frolick sentenced them to a whipping and a month at Bridewell. If it had not been for the timely arrival of Squire Booby the sentence would have been carried out. But instead, the justice turned the two miscreants over to Squire Booby's care and they returned home.

The way in which justice could be perverted and turned into a weapon for personal spite by people of wealth and

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Ibid., Book IV, Chapter V, p. 327-328

position is strongly illustrated by this example. The very writ against the culprits should be convincing evidence of the man's lack of both education and scruples.

The condition of prisons has already been touched upon in the first chapter. In the discussion of Amelia we will treat the matter more fully, but in Joseph Andrews, too, there is a reference to prisons and debt, in the story of Mr. Wilson's life. Mr. Wilson purchased a lottery ticket which left him almost penniless. To add to his misfortunes, a bailiff gained admission to his chambers, disguised as a woman, and taking him into custody, locked him into an upstairs apartment to await sentence. Mr. Wilson could not produce bail for the debt he owed his tailor and consequently was in a pitiful condition.

> I soon exchanged the bailiff's house for a prison; where, as I had not money sufficient to procure me a separate apartment, I was crowded in with a great number of miserable wretches, in common with whom I was destitute of every convenience of life, even that which all the brutes enjoy, wholesome air. [1]

This paragraph gives us some idea of the basis upon which prisons were regulated. The prisoners' inability to pay fees to gain even the barest necessities and comforts for healthful living, was the only discrimination made between prisoners. The extent of the crime bore no weight, even

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[1] Ibid., Book III, Chapter III, p. 249

the question of a man's guilt or innocence had no bearing upon the subject. The only way to obtain decent treatment was bribery and without money this was impossible. A prison was a money-making proposition and the gaoler often accumulated a large income in bribes, fees and treats from his prisoners. The unfairness and rank inhumanity of the situation was one of deep importance to Fielding and one he attacked again and again in his last novel.

Fielding was a creative genius, but, at the same time, he was a lawyer. His novels were fascinating stories through which we find a strong current of propaganda for the betterment of conditions in law and the courts. We have seen this secondary purpose never left his mind. No matter how engrossed in his characters, he never for a moment lost sight of what he was attacking.

CHAPTER IV

Tom Jones

Introduction

Fielding's greatest novel, Tom Jones, appeared in 1749, seven years after the publication of Joseph Andrews. And from the start its tremendous popularity was extremely gratifying to the author and his friends. The success of the book was due, not only to the excellence of the character portrayal, the organization and form of the plot, and the cleverly drawn incidents, but to the choice of subject matter. Fielding wrote this "history" around the adventures of a young man of unknown heritage in a wealthy Squire's household. The mystery surrounding the lad's parentage and the level of society he came from, were calculated to please the taste of his readers. The very realism of the novel is done with enough of the romantic to appeal to both the aristocratic and the simple palate.

In the introductory chapter to this novel, Fielding compares Tom Jones with the principles of the greatest cook ever known, who first set plain dishes before his guests and gradually added delicacies, rising to the "very quintessence of sauce and spices."

> In like manner, we shall hereafter hash and ragout it with all the high French and Italian seasoning of affectation and vice which courts and cities afford. By these means, we doubt not but our reader may be rendered desirous to read on forever, as the great person just above-mentioned is supposed to have made some persons eat. [1]

The Plot

For the sake of clarity and organization, let us review the general outline of the plot.

In Somersetshire, the western section of England, there lived a good and noble gentleman named Squire Allworthy. It was in this gentleman's bed that a baby was found one night when he had just returned from a prolonged absence in London. Mrs. Deborah Wilkins, his strict and puritanical housekeeper, took the baby in her charge at the good squire's request. Miss Bridget, the squire's sister, lavished every attention, save love, upon the infant, and he, Tom Jones, was soon comfortable in his new surroundings.

Mrs. Deborah was commissioned to discover the child's mother, and her prying inquiries led her to Jenny Jones, a young girl who had lived for some years as a servant in the

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Fielding, Henry, Tom Jones, Book I, Chapter I, p. 3

home of the schoolmaster, Mr. Partridge. The Squire sent the girl out of the parish with a supply of admonitions and good advice and meted out punishment to the schoolmaster, as the suspected father of the infant.

Some time later, Lady Bridget married a Captain Blifil and presented Allworthy with an heir. The Captain, her husband, soon died of apoplexy. The two boys, Tom and Blifil, grew up together under the tutelege of Mr. Thwackum and Mr. Square, two bigotted and self-seeking young men. Even in early boyhood, the two lads were always at odds; Blifil being a model of tale-bearing goodness, while Tom was inclined to falsify to protect his friends.

A short distance away, lived another gentleman, Squire Western. This squire had a beautiful daughter, the model of all that is fairest and best in womanhood. Sophia had been companion and friend to the two boys in childhood but when she reached her teens she was sent away to her aunt, in London, for three years.

Tom, a young, healthy animal, became interested in Molly Seagrim, and in the course of his infatuation with the girl, he acted with great imprudence. Squire Allworthy heard of the girl's pregnancy and sentenced her to Bridewell, when Tom appeared, admitting his guilt and pleading for leniency. The squire relented and Molly was permitted to return to her home.

Sophia returned from London just before the Molly Seagrim incident and it was not long before Tom realized the strength of his love and affection for Sophia, who amply returned the sentiment. But Tom's sense of duty sent him back to Molly once more, only to find her room occupied by the philosopher Square, decked in one of Molly's night caps. The situation relieved Tom of any feeling of responsibility and he was free to pursue his lovely Sophia.

Squire Allworthy became seriously ill and in the throes of his disease he made out his will, dividing his money between the two lads, with gifts bestowed upon the rest of the household. The squire's recovery threw Tom into such an excess of delight that he appeared intoxicated, a fact later used against him by the wily Blifil.

Blifil and Tom were often engaged in battles, both of words and blows, which did nothing to improve relations between the two.

Their antagonism came to a head when Squire Western, at the suggestion of his London sister, decided Sophia was in love with Blifil and approached Squire Allworthy on the matter. Sophia, horror striken at the idea, admitted to her aunt that it was Tom she loved but agreed to see Blifil in obedience to her father's wishes. Tom and Sophia meet and swear their undying love for each other and while they

are together Squire Western comes roaring into the room, having been informed of the true state of affairs by his sister.

Western rode post-haste to Allworthy and acquainted him with the situation. The sly Blifil now told Allworthy of Jones' behavior during the squire's illness, saying he had "filled the house with riot and debauchery." [1] Allworthy was hurt at this picture of Tom's ingratitude and lack of feeling, and this unfavorable light cast upon the boy, plus Squire Western's accusation, caused him to send Tom away to seek his fortune elsewhere in the world. Poor Tom leaves, heartbroken, but unable to defend himself because the charges, while misinterpreted, were based on truth.

Western, fully in sympathy with Blifil's courtship of his daughter, concluded arrangements with Allworthy and the date was set for the wedding. Sophia, upon hearing the verdict, determines to run away and follow Tom, accompanied only by Mrs. Honour, her maid.

Books VII to XVI contain the adventures of Tom and Partridge, and Sophia and Honour upon the road and in London. They include adventures in inns, upon the highway, in company with soldiers and lawyers. The two parties are

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[1] Ibid., Book VI, Chapter X, p. 203

often very close upon each other but never meet. Tom's adventures cause him a great deal of woe and his sojourns with various ladies along the way afford many amusing scenes. Sophia is finally offendedat Tom's apparent infidelity and resolves to forget him.

The novel concluded with a reconcilliation between the lovers, a reuniting with Squire Allworthy, and the discovery of Tom's parentage, as the son of Lady Bridget Allworthy. Blifil's intrigue against Tom is discovered and the story ends, as all good romances, with the marriage of Tom and Sophia and their return to Squire Allworthy's estate in Somersetshire.

Law in Tom Jones

The law in Tom Jones is not less emphasized than in Joseph Andrews, but it is presented from a higher level of society. In this book we see the law, first, through the eyes of Squire Allworthy, who is a picture of the finest and best of magistrates. We learned in our study of Fielding's life that he used the Gould family and their particular class as the model for the character of the squire. This example of the fine qualities found in some branches of the law must have done a great deal to rectify

Fielding in the minds of the members of the legal profession. In Joseph Andrews there was practically no mention of any fairness or justice in the law, but the character of Allworthy, while human and thus sometimes misled, is certainly an ideal picture of a fair and honest justice.

The power and responsibility of a squire for the lower classes under his jurisdiction as a justice is well illustrated by several incidents in the first book. The first example of this is seen when Mrs. Deborah returns from her search for the unknown mother of little Tom.

> Mrs. Deborah having succeeded beyond her hopes in her inquiry, returned with much tryumph, and, at the appointed hour, made a faithful report to Mr. Allworthy, who was much surprised at the relation; for he had heard of the extraordinary parts and improvements of this girl, whom he intended to have given in marriage, together with a small living, to a neighboring curate. . . The prudent housekeeper was again dispatched to bring the unhappy culprit before Mr. Allworthy, in order, not as it was hoped by some, and expected by all, to be sent to the House of Correction, but to receive wholesome admonition and reproof. [1]

This quotation shows the Squire serving as a kind of fate or providence in the lives of his people; their future lying in his hands to manipulate and dispose as he sees fit.

In the next chapter there is another evidence of Allworthy's fairness and justice, for he says:

> You know, child, it is in my power as a magistrate, to punish you very vigorously for

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Ibid., Book I, Chapter VI, p. 14

> what you have done; and you will, perhaps, be more apt to fear I should execute that power, because you have in a manner laid your sins at my door.
>
> But, perhaps, this is one reason which hath determined me to act in a milder manner with you; for, as no private resentment should ever influence a magistrate, I will be so far from considering your having deposited the infant in my house as an aggravation of your offence, that I will suppose, in your favour, this to have proceeded from a natural affection to your child. . . [1]

Here we find Allworthy speaking wisely and humanely toward a young woman who supposedly had committed one of the most heinous offences possible to an eighteenth century society. The conduct of the squire in regard to this baby, in bringing him up in his own home, illustrates his fineness and lack of prejudice, remarkable in that period of extreme social consciousness. In fact, Fielding excuses the conduct of the squire in his kind regard for this "base-born infant, to which all charity is condemned by law as irreligious," [2] as a proof of his humanity by attributing it to a weakness. Mrs. Bridget represents the common attitude of high society toward such matters by saying:

> For her part, she could not help thinking it was an encouragement to vice; but that she knew too much of the obstinacy of mankind to oppose any of their ridiculous humours. [2]

This attitude toward illegitimate children was very common. Captain Blifil, who later married Lady Bridget,

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[1] Ibid., Book I, Chapter VII, p. 14

[2] Ibid, Book I, Chapter V, p. 10

argued from the Bible that they should suffer for the vices of their parents.

> He quoted several texts (for he was well read in Scripture) such as, 'He visits the sins of the fathers upon the children;' and the 'Fathers having eaten sour grapes, and the children's teeth are set on edge, etc.' Whence he argued the legalty of punishing the crime of the parent on the bastard. He said, 'Though the law did not positively allow the destroying such base-born children, yet it held them to be the children of nobody; that the Church considered them as the children of nobody; and that at the best, they ought to be brought up to the lowest and vilest offices of the commonwealth.' [1]

In Chapter IX, Fielding points out the way in which society wrongs the magistrate and seems to condemn him for leniency. This lack of sympathy and understanding between representatives of the law and the people was one of the conditions Fielding sought to rectify and improve. He felt that the people were guilty, in part, for the warping of legal powers in the hands of lawyers and magistrates by their unreasonableness and inability to comprehend generosity. When Allworthy kindly sent Jenny away, out of reach of the malice of the village, the people began casting around for a new object to vent their bitterness upon, and hit upon the good squire, whispering that he was the father of the child.

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[1] Ibid., Book II, Chapter II, p. 35

> This supposition so well reconciled his conduct to the general opinion, that it met with universal assent; and the outcry against his lenity soon began to take another turn, and was changed into an inviction against his cruelty to the poor girl. Very grave and good women exclaimed against men who begat children, and then disowned them. Nor were there wanting some, who, after the departure of Jenny, insinuated that she was spirited away with a design too black to be mentioned, and who gave frequent hints that a legal inquiry ought to be made into the whole matter, and that some people should be forced to produce the girl. [1]

This shows rather conclusively that Fielding was not attacking only the representatives of the law but also the vast cloud of misinterpretation that surrounded it. He was endeavoring to show that it was necessary, not only for the exponents of the law to be trustworthy, but also for the people to impose their faith in these lawyers and magistrates.

This same point of view is found in the public sentiment concerning Squire Allworthy's sentence upon Partridge, the suspected father of the foundling. Mrs. Partridge, an extremely undesirable woman with a violent temper and an over-abundant supply of jealousy, had decided her husband was guilty of the offence and beat him until in desperation he had lost his wits and confessed his guilt. When he was taken before Squire Allworthy, he had professed his innocence but the squire was convinced of the man's guilt upon

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Ibid., Book I, Chapter IX, p. 20

Mrs. Partridge's accusation. Here Fielding breaks in to comment upon:

> . . . the great wisdom and sagacity of our law which refuses to admit the evidence of a wife for or against her husband. This, says a certain learned author, who, I believe, was never quoted before in any but a law-book, would be the means of creating an eternal dissention between them. It would, indeed, be the means of much perjury, and of much whipping, fining, imprisoning, transporting, and hanging. [1]

But in this case, it was the evidence of the wife, plus the admission of guilt she forced from him, that condemned Partridge. The squire deprived the schoolmaster of his annuity and, instead of working harder to overcome the decrease in his income, the young man became more indolent and the family nearly starved. When the villagers saw the effect of the punishment upon poor Partridge, their approval of the punishment turned to murmurs against its harshness. Fielding says:

> The justice which Mr. Allworthy had executed on Partridge at first met with universal approbation; but no sooner had he felt its consequences, that his neighbors began to relent, and to compassionate his case; and presently after, to blame that as rigour and severity which they before called justice. They now exclaimed against punishing in cold blood, and sang forth praises of mercy and forgiveness. [2]

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[1] Ibid., Book II, Chapter VI, p. 50

[2] Ibid., Book II, Chapter VI, p. 52

The squire's own integrity, however, did not falter under the influence of either solicitations or loss of popularity.

> Any doubtfulness of the fact, or any circumstance of mitigation was never disregarded: but the petitions of an offender, or the intercessions of others, did not in the least affect him. In a word, he never pardoned because the offender himself, or his friends, were unwilling that he should be punished. [1]

The excellence of this man, and Fielding's evident approval of this type of representative of the law, did not mean he had reversed his opinion of the blundering stupidity and rank abuses of the law in the hands of a less scrupulous man. (The picture of Squire Western as a justice is far less commendable.)

Mrs. Honour had been guilty of remarking to Mrs. Western's maid that Sophia far exceeded her aunt in beauty. Mrs. Western's angry rebuke met with an insolent reply which so infuriated the lady that she demanded that her brother execute punishment upon the servant.

Luckily Squire Western's clerk had an excellent knowledge of the law and he informed the justice that:

> . . . he would exceed his authority by committing the girl to Bridewell, as there had been no attempt to break the peace; 'for I am afraid, sir,' says he, 'you cannot legally commit any one to Bridewell only for ill-breeding.'
>
> In matters of high importance, particularly in cases relating to the game, the justice was not

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[1] Ibid., Book II, Chapter VI, p. 52

> always attentive to these admonitions of his clerk; for, indeed, in executing the laws under that head, many justices of the peace suppose they have a large discretionary power, by virtue of which, under the notion of searching for and taking away engines for the destruction of the game, they often commit trespasses, and sometimes, felony, at their pleasure. [1]

This case was of so little importance to the justice that he followed the advice of his clerk. Possibly a contributing factor to his decision was the knowledge that two complaints against him had been presented to the King's Bench and he had no desire to add a third. Western's indifference to justice represented a dangerous class of magistrates who were not intentionally evil but, through carelessness, were unjust and corrupt.

Mrs. Western brings another justice to our attention in her reply to her brother's refusal to punish Mrs. Honour. She says:

> . . . 'she knew the law much better; that she had known servants very severely punished for affronting their masters;' and then named a certain justice of the peace in London, 'who,' she said, 'would commit a servant to Bridewell at any time when a master or mistress desired it.' [2]

It was this type of justice that Fielding especially abhorred, one who passed his judgments according to the pleasure of the higher class, disregarding the right or

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[1] Ibid., Book VII, Chapter IX, p. 240

[2] Ibid.

wrong of the case.

A justice of a better type is depicted when Squire Western accused Tom of having abducted his daughter at an inn. Tom and Sophia had been at the same inn, although neither knew of the other's presence until the rowdy scene between Mrs. Waters and Tom was recounted to Sophia by Susan, the serving-maid. Sophia, hurt and shocked at the news of poor Tom's infidelity, left the inn at once, send-her muff to Tom to inform him of her presence and her displeasure. When Squire Western arrived, seeking his daughter, he found Tom in possession of the muff and resolved to carry him before the justice.

The justice at first demurred from handling the case, saying he did not "carry all the law in his head about stealing daughters, and such things." [1] But, backed by Mr. Fitzpatrick, who had served as clerk to an attorney, he conceded to try Tom for stealing the muff, when Susan testified that Sophia had given her the muff to carry to Tom.

> Whether a natural love of justice or the extraordinary comliness of Jones had wrought on Susan to make the discovery, I will not determine; but such were the effects of her evidence, that the magistrate, throwing himself back in his

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[1] Ibid., Book X, Chapter VII, p. 382

> chair, declared that the matter was now altogether as clear on the side of the prisoner as it had before been against him: with which the parson concurred, saying, the Lord forbid he should be instrumental in committing an innocent person to durance. The justice then arose, acquitted the prisoner, and broke up the court. [1]

The justice was not affected by Squire Western's name, position or obvious determination to have Jones punished, but showed himself to have a just concept of his own powers as a judge of another's rights. While he was not especially eager to fulfill his duties, when he had finally committed himself, he showed no hesitancy or prejudice. The episode again illustrates Fielding's realization of the better type of magistrate, as well as of the corrupt.

Lawyers again came under Fielding's observation in this book and one of the best examples is Squire Allworthy's lawyer, Mr. Dowling. This man is shown to be sympathetic and just, but he is also shown to have weaknesses and to be thoroughly human.

Dowling, who had met Jones in Mr. Allworthy's home, saw him at an inn where Jones was trying to persuade his guide to travel on with him to Coventry. The lawyer tried to dissuade Jones from continuing his journey that night but, when his arguments failed, he joined Tom in his attempt to convince the guide. We are shown, by the success

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Ibid., Book X, Chapter VII, p. 382

of the uniting of their persuasions, the value of repetition. Often when the same arguments, which were ineffectual when presented by only one person, are repeated by another, the joint eloquence will do the trick. Fielding says:

> . . . hence, perhaps, proceeds the phrase of seconding an argument or a motion, and the great consequence this is of in all assemblies of public debate. Hence, likewise, probable it is that in our courts of law we often hear a learned gentleman (generally a serjeant) repeating for an hour together what another learned gentleman, who spoke just before him, had been saying. [1]

Mr. Dowling and Tom sat down to eat together while the horses were resting and Tom related the story of his sad misfortunes. The lawyer was interested and sympathetic, for "he had not divested himself of humanity by being an attorney . . . an attorney may feel all the miseries and distresses of his fellow-creatures, provided he happens not to be concerned against them." [2]

The fact that this man, conceded to be an honest lawyer, could condescend to employ bribery legally when it favored his cause, is illustrated by Dowling's part in the case against Tom in the last book of the novel.

Blifil had engaged the lawyer to support Mrs. Fitzpatrick's case when Jones was accused of murdering Mr.

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[1] Ibid., Book XII, Chapter IX, p. 460

[2] Ibid., Book XII, Chapter IX, p. 463.

Fitzpatrick in a duel. Blifil had done it, without the knowledge of Mr. Allworthy, in the good squire's name. When Squire Allworthy confronted the lawyer with his knowledge of the affair, he said:

> 'I would not have your worship think I would, on any account, be guilty of subordination of perjury; but there are two ways of delivering evidence. I told them (the witnesses), therefore, that if any offers should be made them on the other side, they should refuse them, and that they might be assured they should lose nothing by being honest men, and telling the truth. I said, we were told that Mr. Jones had assaulted the gentleman first, and that, if that was the truth, they should declare it; and I did give them some hints that they should be no losers.' [1]

This is bribery at its most cultivated level, a hint of reward for perjury without saying it openly. In this way the witnesses could falsify on oath and if discovered the lawyer could not be proved guilty because he had only heard one testimony, the one he desired. This is a more refined type of bribery than Fielding had discussed in his novels before, and therefore more dangerous because the lawyer was undoubtedly one of high principles and good repute.

The power a lawyer held over a client is ably shown in the case of Partridge. In relating the story of his life since his wife's death, he tells Mr. Allworthy:

Ibid., Book XVII, Chapter VIII, p. 687

(No Pg. #)

> . . . when she died, this pension forsook me; so that now, as I owed two or three small debts, which began to be troublesome to me, particularly one which an attorney brought up by law-charges from 15s to near L30, and . . . [1]

This was a common practice among the unscrupulous lawyers of the day in their dealings with the poor. They would take over a case concerning a small amount of money and then charge an exorbitant rate for services. This method put a good deal of money into the lawyer's pocket and was in no way outside the law.

A testimony of a good lawyer was given by Partridge in the same account. He served a gentleman:

> . . . belonging to the law, and one of the best gentlemen that ever I knew, for he was not only good to me, but I know a thousand good and charitable acts which he did while I stayed with him; and I have known him often refuse business because it was paltry and oppressive. [2]

Accounts, such as this, of good lawyers, true to the high principles of their profession, no doubt had a good share in making the novel successful, for those engaged in the legal profession could read it without wincing and even forgive the scoundrels portrayed, as long as the opposite side was presented.

In Tom Jones, Fielding often used legal terms and examples for comparison in similes, as he did in Joseph

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[1] Ibid., Book XVII, Chapter VI, p. 677

[2] Ibid.

Andrews. Near the beginning of the novel, before Tom became seriously interested in Sophia, Fielding attempted to explain what impulses held Tom from marrying her for her father's fortune. Tom had a certain reasoning, not so much a knowledge of right and wrong, as a sense of honor which restrained him. In explanation of this quality which Tom possessed, Fielding says:

> To give a higher idea of the principle I mean, as well as one more familiar to the present age; it may be considered as sitting on its throne in the mind, like the Lord High Chancellor of this kingdom in his court; where it presides, governs, directs, judges, acquits, and condemns according to merit and justice, with a knowledge which nothing escapes, a penetration which nothing can deceive, and an integrity which nothing can corrupt. [1]

This illustration which Fielding felt was very clear and simplified the situation, is more confusing to the reader who is not accustomed to the system of the courts. To Fielding's belief that all life could be reduced and explained by simple terms of law, this type of simile seemed by far the clearest and most exact method of clarifying important points.

This same technique may be seen in the episode where Sophia pleaded with her aunt to aid her in her struggle against marrying Blifil. And Fielding says:

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[1] Ibid., Book IV, Chapter Vi, p. 102

> As a bailiff, when well authorized by his writ, having possessed himself of the person of some unhappy debtor, views all his tears without concern; in vain the wretched captive attempts to raise compassion; in vain the tender wife bereft of her companion, the little prattling boy, or frightened girl, are mentioned as inducements to reluctance. The noble bumtrap, blind and deaf to every circumstance of distress, greatly rises above all the motives to humanity, and into the hands of the gaoler resolves to deliver his miserable prey. [1]

Mrs. Western's lack of feeling for Sophia is well illustrated by this parallel. The bailiffs of this period appeared to be, in Fielding's novels, a coarse lot of men, completely devoid of sympathy and compassion. While a bailiff's only interest was in his reward for his services, so Mrs. Western had a certain reward in view. The lady had a vast pride in her name and family. It was her fear that Sophia would disgrace the family by marrying Tom, that led her to seek to force Sophia into a union with Blifil, who possessed both name and fortune.

Blifil's reaction to Mr. Allworthy's questions regarding his connection with Lawyer Dowling's interviews with the witnesses of Tom's duel is also handled in this way.

> There is nothing so dangerous as a question which comes by surprise on a man whose business is to conceal truth or to defend falsehood. For which reason those worthy personages whose noble

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[1] Ibid., Book VII, Chapter III, p. 221

> office it is to save the lives of their fellow-creatures at the Old Bailey, take the utmost care, by frequent previous examination, to divine every question which may be asked their clients on the day of trial, that they may be supplied with proper and ready answers, which the most fertile invention cannot supply in an instant. Besides, the sudden and violent impulse on the blood, occasioned by these surprises, causes frequently such an alteration in the countenance, that the man is obliged to give evidence against himself. And such indeed were the alterations which the countenance of Blifil underwent from this sudden question, that we can scarce blame the eagerness of Mrs. Miller, who immediately cried out, 'Guilty, upon my honor . . . .' [1]

Blifil's comparison in this instant to a prisoner at the bar who is thrown off guard by an unexpected question, again illustrates Fielding's theory that all life can be accurately interpreted by law.

The way in which the letter of the law could be obeyed without respect to the spirit behind the law, came in for its share of satire in Fielding's novels. There are numerous instances which might be used as illustrations; for example, Thwackum's aspirations to marry Lady Bridget. He reflected that while the Bible instructs us that we must not covet our neighbor's sister and he knew:

> . . . it was a rule in the construction of all laws, that 'Expressum facit cessare tacitum.' The sense of which is, 'When a lawgiver sets down his whole meaning, we are prevented from making him mean what we please ourselves.' As some instances of women, therefore, are mentioned

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Ibid., Book XVIII, Chapter XVII, p. 673

> in the Divine law, which forbids us to covet our neighbor's goods, and that of a sister omitted; he concluded it to be lawful. [1]

This same adherence to the letter of the law is shown in Square's reaction to the selling of Bibles. Tom had sold his Bible to Blifil and Thwackum had condemned that act as sacrilege. But Square immediately declared that nowhere in law, either Divine or human, did it say one could not buy or sell Bibles, therefore there was no sacrilege concerned in the transaction.

Another instance of this principle occurred when young Blifil and Tom were playing with Sophia. Blifil had freed the little girl's tame bird, saying it was cruel and unchristian not to give the wild thing its liberty. Thwackum praised the lad for his humanitarian deed, but Squire Western immediately declared he must watch that some religious man didn't set free his partridges from their mew, and turned to the lawyer asking his opinion of the law on the subject. The lawyer replied:

> 'If the case be put of a partridge, there can be no doubt but an action would lie; for though this be ferae naturae, yet being the case of a singing bird, though reclaimed, as it is a thing of base nature, it must be considered as nullius in bonis. In this case, I conceive the plaintiff must be non-suited, and I should disadvise bringing any action.' [2]

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[1] Ibid., Book II, Chapter VI, p. 77

[2] Ibid, Book II, Chapter IX, p. 96

The lawyer's careful consideration of the detailed legalities of the matter and his gravity in answering a joking question certainly satirizes the tendency to over-emphasize detail and the letter of the law. The subtlety of this criticism of the law must have given Fielding great pleasure.

Among the remaining references to the law not previously mentioned, there are allusions to laws governing madness, violation of contracts, punishment of vice, descendence of heirs, and debt. The entire handling of the problem is done with a lawyer's knowledge of legal practices but from a citizen's standpoint.

CHAPTER V.

Amelia

Introduction

Fielding's last novel, Amelia, first appeared in 1751, and fomented a tremendous amount of adverse criticism. The novel achieved a great initial sale, the first printing being sold out by the evening of its appearance date, but its popularity was of short duration. In light of the criticisms passed upon the book and in its comparison with the two novels we have previously discussed, two reasons for its failure suggest themselves to me. Amelia begins with marriage, the point where other novels have concluded, and the audacity of this theme was in direct opposition to all tradition. George Saintsbury says, in support of this theory:

> The essence of all romance is a quest; the quest most perennially and universally interesting to man is the quest of a wife or a mistress; and the chapters dealing with what comes later have an inevitable flavour of tameness, and of the day after the feast. [1]

The second reason which occurs to me is Fielding's choice of material and setting. His hero and heroine were of fairly good birth but they were involved with people of low rank and reputation. To the fastidious minds of

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[1] Fielding, Henry, Amelia, vol. I, Londin, J. M. Dent and Sons Ltd., 1930, Introduction, p. viii.

eighteenth century society, the constant reference to people of low morals and degenerate condition, the dregs of the gutter and prison, poverty, and theft, were not proper topics for popular fiction. In addition, nobility and high life appeared in a very bad light and so did not please the educated social taste.

The references to law are much more numerous in this novel and, in the majority of cases, the references are definitely damaging to the law's reputation. Graft and corruption are disclosed with even greater and more positive denunciation than ever before.

The pictures Fielding drew of the conditions in the prisons are so horribly realistic that they forced a realization of the actual facts upon the readers. Society preferred to close its eyes to all unpleasantness. It is small wonder, in the light of these facts, that the novel was condemned and bitterly criticized.

The object of the novel is stated in the opening sentence of the dedication:

> The following book is sincerely designed to promote the cause of virtue, and to expose some of the most glaring evils, as well public as private, which at present infest the country. [1]

Ibid., Dedication, p. xv.

The Plot

The story opens with Booth's arrest in a street fight in London. He had seen two men beating a third and had leaped into the brawl to assist the victim of the beating. The justice, before whom he was tried, paid no heed to his explanation but committed him to prison, while the watch had released the two attackers for a slight sum.

In the prison Booth undergoes the common experiences of a prisoner of the times which reveal many sources of inhumanity and injustice. Here he meets Miss Matthew, a young woman of wealth and position whom he had known in better days in the country. She relates the story of her life, her betrayal by a gentleman, whom she stabbed, and her subsequent confinement in prison. At the same time she expresses her love for Booth and becomes his mistress, a fact which gives her considerable power over him in later experiences.

The next few chapters deal with past events, Booth's courtship of Amelia and their marriage, Amelia's astonishing virtues, her sister Betty's opposition and plotting, and the events leading up to his present condition. Booth was a lieutenant in the army and after his marriage to Amelia, he was sent with his regiment to Gibraltar where he

became seriously ill, due to an injury in battle. Amelia came to him, summoned by an unsigned letter, and soon after Booth's recovery she fell ill.

Throughout their adventures, Atkinson, the son of Amelia's old nurse, remained faithful to them and stayed within easy call. Amelia's mother dies and Amelia is informed that the entire fortune was left in her sister Betty's name.

The young couple and their children returned to England where good Doctor Harrison, who had aided them in their courtship, provided them with a small farm. But lack of wisdom in managing the farm soon put them into serious debt and they fled to London, where the story opened.

Miss Matthew is bailed by money sent from an unknown gentleman, and she in turn pays for Booth's freedom. Just as final arrangements are being made, Amelia appears and the two leave, happy at being reunited. Captain James, an old friend, appears and offers him money and his assistance in finding a regiment. Booth tells him of his indebtedness to Miss Matthew and her hold on him. James promises to take the lady off Booth's hands if he will promise never to see her again. But shortly after Booth learns that Captain James was the man who paid Miss Matthew's bail and he had been pursuing her for some time.

Mrs. Ellison, the landlady, invites Amelia to attend

an oratorio with her and while there a gentleman sits next to them and helps make the evening pleasant.

Miss Matthew, who resents Booth's refusal of her charms, attempts to make a breach between the lieutenant and Captain James by instilling jealousy in the Captain, but later the two men are reconciled.

Mrs. Ellison continues her attentions to the young couple by introducing the lieutenant's cause to her cousin, a young lord. The lord ingratiates himself upon Amelia by professing friendship for Booth and paying marked attentions to her children. Later he sends tickets to a masquerade to Mrs. Ellison who invites Amelia to attend it with her.

An anonymous note arrives, warning Booth that injury to Amelia's innocence is in store for her at the masquerade. And so concludes Volume I.

Volume II opens with Amelia's trip to visit Mrs. Bennet, a young widow she had met at Mrs. Ellison's and whose handwriting she identified in the warning. Mrs. Bennet tells her story, beginning with her unhappy home life, marriage and sojourn to London where she lodged with Mrs. Ellison. She, too, had attended an oratorio with that lady and the same stranger entertained them. The same lord had paid attentions to her husband and children. But she had attended the masquerade and under the influence

of a strong wine, had permitted the lord to spend the night with her.

When her husband discovered the lord's villany, it aggravated a serious heart condition and he died. Amelia thanks her friend for saving her from a similar ruin and while they sit there together news is brought of Booth's arrest.

Doctor Harrison, traveling abroad, had heard many damaging stories of Booth's conduct; disgusted and angry, he brought suit against the lieutenant for debt. Atkinson, who had gone to aid his friend, meets Captain James and learns he has become enamored of Amelia. The honest sergeant warns Amelia through his wife, Mrs. Bennet.

Doctor Harrison calls upon Amelia and learns the true state of affairs. Immediately he arranges for Booth's release. And while the three friends sit together, Captain James arrives to offer a regiment in the West Indies to Booth and the shelter of his home and protection to Amelia. She is terrified but dares not tell Booth her suspicions of the Captain's intentions.

On the night of the masquerade, Mrs. Bennet arranges with Amelia to go in her place and she accompanies Booth, who does not realize she is not his wife. Mrs. Bennet spends the evening with the lord, who also believes she is Amelia and she secures his promise of a commission for her

husband, Sergeant Atkinson. Amelia is upset at her friend's actions, in her name, and the two part in anger and resentment.

Booth meets Trent, a young man he had known in Gibraltar, and loses a great deal of money to him in a card game. Trent, who is the infamous lord's pimp, presses charges and Booth is again in jail. The evening of his arrest he had supper with Miss Matthews, who threatened to inform Amelia of all that had happened between them if he didn't concede to her requests.

Captain James sends a note, challenging Booth to a duel, when he heard Booth had broken his promise not to see the lady again. Unluckily, Amelia receives the note intended for her husband. She reports the news to Doctor Harrison, who visits the Captain and rectifies the disagreement, also rebuking him for his evil intentions toward Amelia. The doctor then goes to the bailiff's house, where Booth is held, and hears the confession of a dying man. This wretch confesses that he, Murphy, and Amelia's sister Betty wrote a false will which left the mother's fortune to Betty. The actual will was entirely in Amelia's favor, cutting out the other daughter completely.

The lawyer, Murphy, is arrested and all parties are reconciled. Booth and Amelia return to the country to live quietly and happily with their children.

Law in Amelia

The novel Amelia was the bitterest attack upon law that Fielding wrote, for it strikes at the rotten core of the whole problem. This novel is chiefly concerned with the vile conditions in the prisons, the tactics of the bailiffs and the dishonesty and corruption of the London lawyers and justices.

Illustrations of the unfairness of trials and the amazing abuse of the law in the hands of a corrupt justice appear on page five. Fielding opens his attack with comments upon the constitution:

> It will probably be objected, that the small imperfections which I am about to produce do not lie in the laws, themselves, but, with submission, this appears to me to be no less an absurdity than to say of any machine that it is excellently made, though incapable of performing its functions. Good laws should execute themselves in a well-regulated state; at least, if the same legislature which provides the laws doth not provide for the execution of them, they act as Graham would do, if he should form all the parts of a clock in the most exquisite manner, yet put them together that the clock could not go. In this case, surely, we might say that there was a small defect in the constitution of the clock. [1]

In light of this quotation, it is apparent that Fielding was striking with all his power against the rottenness in

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[1] Ibid., Vol. I, Book I, Chapter II, p. 5-6

the law itself. The time had passed for merely satirizing the representatives of the law; the law itself must be exposed. He continued, in this chapter, pointing out the unfitness of various persons to fulfill their position, giving the watchmen of London as an example. These watchmen were old men who were too decrepit to do any other work and could hardly walk without aid of sticks. These men were to guard the streets from the hardy villains and robbers and to Fielding the absurdity of the idea was characteristic of a great many city appointments.

> The higher we proceed among our public officers and magistrates, the less defects of this kind will, perhaps, be observable. Mr. Thrasher, however, the justice before whom the prisoners above mentioned were now brought, had some few inperfections in his magistratial capacity. I own, I have been sometimes inclined to think that this office of a justice of peace requires some knowledge of the law: for this simple reason; because in every case which comes before him, he is to judge and act according to law . . . I cannot conceive how this knowledge should be acquired without reading; and yet, certain it is, Mr. Thrasher never reads one syllable of the matter. [1]

The prisoners referred to in the preceding quotation included Booth, who had been arrested for joining in the street fight. This justice's habits and handling of cases comes in for discussion and several examples ably illustrate his complete indifference to right or wrong. He

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[1] Ibid., Vol. I, Book I, Chapter II, p. 7

favored the wealthy or titled person in every instance and settled all other cases indifferently as the whim struck him.

One of the examples was a poor woman who had been accused as a street walker by the watch. She protested that she was a servent sent by her mistress for a midwife and said the truth of her story could be easily proved by the evidence of any of her neighbors. When the justice discovered she had no money to pay a messenger he:

> called her several scurrilous names, and declaring she was guilty within the statute of street-walking, and ordered her to Bridewell for a month. [1]

Booth's own case exemplified the justice's typical attitude very clearly. Both was charged with beating the watchman and breaking his lantern. The justice, after a glance at Booth's shabby apparel, was going to commit him without any further questions but the prisoner protested so violently that he consented to hear his defence. Booth explained the true situation, that he had been walking home when he saw two men beating a third and stepped in to aid the person so unequally attacked. The watch had arrived and arrested all four of them, but the two attackers, being young men of fortune, had bribed the watch for their release. Fielding declared that had the magistrate been

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[1] Ibid., Vol. I, Book I, Chapter II, p. 8

endowed with sagacity or any measure of justice he would at least have devoted some time to examining the watchman, but he says:

> In short, the magistrate had too great an honour for truth to suspect that she ever appeared in sordid apparel; nor did he ever sully his sublime notions of that virtue by uniting them with the mean ideas of poverty and distress. [1]

The account of the trials under Justice Thrasher, did not improve the general picture of magistrates. Fielding had used the utmost power at his command to portray the man as a fellow completely unworthy of his position. He had nothing to recommend him, no knowledge of law beyond a curosry acquaintance with legal terms, no humanity and not the slightest sense of sympathy or compassion. He did not even have the excuse of mere ignorance for this was only a secondary excuse; his prejudice and self-love ruled and guided all his decisions.

In the second volume of Amelia, Betty, Booth's servant-girl, is brought before another justice, charged with stealing shifts from Amelia. This justice was a wise and honest man, well educated in the law. Betty had stolen two of her mistress' shifts and pawned them for five shillings. The justice asked Booth to swear as to the value of the stolen articles. Booth declared he could not

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[1] Ibid., Vol. I, Book I, Chapter II, p. 10

swear they were worth over thirty shillings so the justice dismissed the case. The law required that stolen goods, entrusted to a servant, must be valued at forty shillings before it was a criminal offence. Furthermore, if the servant was dismissed there was no way to punish the pawnbroker, although it was obvious he had known he was receiving stolen goods. The magistrate continued:

> And, besides, as to his offence, to say the truth, I am almost weary of prosecuting it; for such are the difficulties laid in the way of this prosecution, that it is almost impossible to convict any one on it. And, to speak my opinion plainly, such are the laws, and such the method of proceeding, that one would almost think our laws were rather made for the protection of rogues than for the punishment of them. [1]

This statement by the magistrate indicates clearly the change in emphasis of Fielding's attack. In the two previous novels he had been attacking the false representation of the law, while in this book he is striking at the root of the corruption, the ambiguity and the loopholes in the law itself.

Another magistrate of the higher type is shown in the conclusion of the novel. When Doctor Harrison learned the facts concerning the lawyer Murphy's dishonesty in the case of the forged will, he left Booth temporarily in captivity while he made certain Murphy was secured. The

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[1] Ibid., Vol. II, Book XI, Chapter VII, p. 255

doctor, constable and bailiff, with Murphy under arrest, followed by a mob of onlookers, proceeded to the justice's house.

> They found the magistrate just sitting down to his dinner: however, when he was acquainted with the doctor's profession, he immediately admitted him, and heard his business; which he no sooner perfectly understood, with all its circumstances, than he resolved, though it was then very late, and he had been fatigued all the morning with public business, to postpone all refreshment till he had discharged dis duty. [1]

This justice had a clear knowledge of his duty and was ready to observe it, although it interferred with his own convenience. It was this type of man that maintained the reputation of his profession in spite of the corruption and degradation of some of its officials.

Fielding was well acquainted with the terrible state of the prisons of this period and devoted much of his attention to the exposure of the actual conditions. Booth had no sooner entered the prison than he was surrounded by a large number of fellow-prisoners demanding garnish. The lieutenant did not understand the term and so made no reply. The prisoners then proceeded to lay hands on him, when the keeper appeared and rescued him from the mob, explaining garnish was custom by which each newcomer was required to pay for drink for the others. When the keeper

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[1] Ibid., Vol. II, Book XII, Chapter VI, p. 297

learned Booth had no money, he departed, leaving him at the tender mercies of the mob.

This treatment was but an introduction to the place. The inmates were a motley crew varying from confirmed cut-throats and murderers to the most innocent victims of circumstance. Booth saw three men, fettered together, very merrily smoking a pipe and talking. They were street robbers and sure to be hung in the next session. A few feet away a man lay prostrate upon the ground, groaning and sobbing with anguish. He had been committed for a petty felony and when his wife heard the news she threw herself from an upper story window. At one side a girl in rags sat with her old father's head in her lap. She had stolen a loaf of bread to keep the old man from starving and each had been convicted for being thief and receiver of stolen goods. A well-dressed man walked by, whom Booth was informed had been committed for perjury, but he was to be bailed. Booth exclaimed against the injustice that permitted a villain to be bailed while the poor old man and his daughter must lie in prison. His acquaintance, Robinson, replied:

> . . . 'the offence of the daughter, being felony, is held not to be bailable in law; whereas perjury is a misdemeanor only; and therefore persons who are even indicted for it are, nevertheless, capable of being bailed . . at present, the punishment of all perjury is

> only pillory and transportation for seven years; and as it is a traversable and bailable offence, methods are often found to escape any punishment at all. [1]

This unfairness in the law, the lack of reason and justice in it, shows the vital need for a pen as bitter and scorching as Fielding's. Money was the only key to liberty. This power of money is well illustrated in many instances in the prison. There were various prisoners lying in hunger and misery who had been acquitted of their crimes but forced to lie in prison because they had not the means to pay their fees. The freedom that might be purchased was well displayed in the case of Miss Matthew,, who entered the prison a short time after Booth's arrival.

Immediately upon her appearance, the young lady called for the keeper and demanded a private apartment. As soon as she had displayed the contents of her purse, he became all courtesy and assured her she should have her choice of all the apartments in his house.

This system put a great deal of money in the hands of the keeper and made it a position of liberal remuneration. We have several other instances in the chapters dealing with Booth's connection with Miss Matthew, of the way in which the keeper filled his pockets.

At one time the keeper burst into the room where the

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[1] Ibid., Vol. I, Book I, Chapter IV, p. 18

young lady and Booth were conversing. The keeper declared he had brought her good news and demanded a bottle of wine in payment. And he further displayed the influence money bore with him when he said:

> For my own part, I never desire to keep a prisoner longer than the law allows, not I: I always inform them they can be bailed as soon as I know it: I never make any bargain, not I; I always love to leave those things to the gentlemen and ladies themselves. I never suspect gentlemen and ladies of wanting generosity. [1]

The man's grasping covetous nature is well expressed in these various instances. He further admitted to indulgence in blackmail of a sort. He had a system of informers that investigated his prisoners and supplied him with information as to their means and position.

It is interesting to note that the keeper, or governor, as he is called, fixed the sum of bail to fit the limits of his customer's purse. When Miss Matthew asked the price of Booth's bail, the fellow said five guineas might do the trick, for he computed that to be the extent of the residue of Miss Matthew's money. When the lady drew a bill for a hundred from her pocket, he was quite taken aback and his nimble wits immediately brought forth additional fees, evidentally forgotten, for he said:

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[1] Ibid., Vol. I, Book II, Chapter IX, p. 89

> 'No, no, there might be people indeed - but I am not one of those. A hundred! no, no nothing like it. . . As for myself, as I said, I will be content with five guineas, but I'm sure that is little enough. What other people will expect I cannot exactly say. To be sure his worship's clerk will expect to touch pretty handsomely; as for his worship himself, he never touches anything, that is, not to speak of; but then the constable will expect something, and the watchman must have something, and the lawyers on both sides, they must have their fees for finishing.' [1]

These evidences of the fellow's lack of integrity and his method of extorting fees from prisoners is almost laughable in its transparency. He took what he could lay hands upon and his fees grew with the size of the prisoner's pocketbook. In the face of these conditions it is small wonder Fielding regarded the prison system and those governing it with contempt.

The lawyers discussed in Amelia were presented in a very inferior light. For example, we have Murphy, in Volume I, discussing the possibilities of reprieve with Miss Matthews. The lawyer had attempted to comfort her with thoughts of a verdict of manslaughter and when she protested she knew little of the law, he replied:

> . . . 'it can't be expected you should understand it. There are very few of us who profess it that understand the whole, nor is it necessary we should. There is a great deal of rubbish of little use, about indictments, and

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[1] Ibid., Vol. I, Book IV, Chapter II, p. 165

> abatements, and bars, and ejectments, and trovers, and such stuff, with which people cram their heads to little purpose. The chapter of evidence is the main business; that is the sheet-anchor; that is the rudder, which brings the vessel safe in portum. Evidence is, indeed, the whole, the summa totidis, for de non apparentibus it non insistentibus eandem est ratio.' [1]

Murphy's acknowledgment of the ignorance of many lawyers is interesting. Of course, he implied his own knowledge was extensive and complete but his statement concerning the importance and value of familiarity with the rules governing evidence seems to prove the limits of his own learning. Fielding had an especial contempt for the laxity of the law regarding evidence, as has been seen in the chapter dealing with the author as a magistrate and with this understanding the fine satire in the previous quotation is particularly striking. The lawyer's concluding sentence is illustrative of the tendency to awe his listeners into respect for his superiority, and might be likened to the "gibberish" discussed in chapter on Joseph Andrews.

The conversation in this chapter continued on the subject of evidence. The lawyer suggested bribery to force the servant, who witnessed Miss Matthews' crime, to testify that her blow was in defense. And he finished by saying the only fear then remaining would be malice. Booth

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[1] Ibid., Vol. I, Book I, Chapter X, p. 47

interrupted, saying he understood that stabbing was capital crime even though no malice was evidenced. As soon as Murphy had satisfied himself Booth had no extensive knowledge of the law he replied:

> 'If a man be indicted contra forman staterias, as we say, no malice is necessary, because the form of the statute makes malice; and then what we have to guard against is having struck the first blow. Pox on't, it is unlucky this was done in a room: if it had been in the street we could have had five or six witnesses to have proved the first blow, cheaper than, I am afraid, we shall get this one; for when a man knows, from the unhappy circumstances of the case, that you can procure no other witness but himself, he is always dear.' [1]

The ease with which this prominent lawyer spoke of bribery and the devious ways to procure evidence is alarming. With bribery and perjury so easily accomplished, the corruption found in that period is not surprising. But the very prevalence of this corruption made Fielding's attacks exceedingly dangerous and it is small wonder that the personal antagonism aroused should have been so powerful. These vices had been cloaked with respectability and hidden in the maze of legal intricacies, but Fielding's sharp knife cut deep into the tangle and exposed the filth for all to see.

The dismal picture of Murphy is completed with his comments upon perjury. Miss Matthews had protested she

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[1] Ibid., Vol. I, Book I, Chapter X, p. 48

did not want anyone to perjure himself for her, when the lawyer answered:

> . . . 'where is the fault, admitting there is some fault in perjury, as you call it? and, to be sure, it is a matter as every man would rather wish to avoid than not: and yet, as it may be managed, there is not so much as people are apt to imagine in it; for he need not kiss the book, and then pray where's the perjury? But if the crier is sharper than ordinary, what is it he kisses? is it anything but a bit of calf's skin? I am sure a man must be a very bad Christian himself who would not do so much as that to save the life of any Christian whatever, much more of so pretty a lady. Indeed, madam, if we can make out but a tolerable case, so much beauty will go a great way with the judge and the jury too.' [1]

The lawyer's calm acceptance of perjury is significant; it completes the contemptible picture Fielding had drawn of him. His expectancy that anyone would indulge in perjury to save his own life or reputation is conclusive evidence of the man's low principles. The fact that Murphy was as outspoken in these matters obviously points to the universality of the practice.

At the discovery of Murphy's guilt in forging the false will which gave Amelia's share of her mother's fortune to her sister, Doctor Harrison gave chase to the fleeing lawyer. The doctor caught the man and his cries drew a crowd around them. The sly Murphy protested to the crowd that he was being arrested without a writ, but as

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[1] Ibid., Vol. I, Book I, Chapter X, p. 50

soon as the doctor announced his own profession and Murphy's, the mob was on his side, saying: " . . . hath he ruined a poor family? - like enough, faith, if he's a lawyer. Away with him to the justice immediately." [1] The bailiff hastened to protect the lawyer declaring he could not be arrested without a warrant and the conversation continued thus:

> 'There needs no warrant,' cried the doctor. 'I accuse him of felony; and I know so much of the law of England, that any man may arrest a felon without any warrant whatever. This villain hath undone a poor family; and I will die on the spot before I part with him.'
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> 'If the law be so,' cries the orator, 'that is another matter. And to be sure, to ruin a poor man is the greatest of sins. And being a lawyer too makes it so much worse. He shall go before the justice, d...n me if he shan't go before the justice. I say the word, he shall' [2]

This general condemnation by the crowd as soon as they heard Murphy was a lawyer does not speak well for the general reputation of that branch of the law. Their readiness to believe his foul deed indicates similar cases were common among the lawyers of the period. Fielding was illustrating his belief in humanity in this instance; he felt that if the facts were presented to the ordinary people they would see that justice was done.

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[1] Ibid., Vol. II, Book XII, Chapter VI, p. 296

[2] Ibid.

The one remaining branch of the law upon which Fielding leveled a concentrated attack was the class of bailiffs. In Joseph Andrews we saw a bailiff gaining admission to his victim, Mr. Wilson, by disguising himself as a woman. The same method of disguise was used again in Amelia in a case the bailiff recounted to Booth. In describing it, he says:

> ' . . . we dressed up one of my men in women's clothes, who told the people of the house that he was his sister, just come to town - for we were told by the attorney that he had such a sister, upon which he was let upstairs - and so kept the door ajar till I and another rushed in.' [1]

But the second mention of a bailiff's method of reaching his prey, in this novel, was a far crueler device. While Amelia was at Mrs. Bennet's she left the children in Booth's care. A violent knock was heard at the door, and a messenger announced that Amelia had been striken desperately ill. Booth dashed out into the street to reach his wife's side, and immediately was stopped by a bailiff who admitted the message had been a hoax to enable him to arrest Booth. He protested he felt the deepest sympathy and compassion for poor Booth and sent a messenger with a letter to inform Amelia of his misfortune. The messenger took some time to reach Amelia although he had been given instructions to make the greatest haste. We read:

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[1] Ibid., Vol. II, Book XII, Chapter V, p. 289

> This was not owing to any slowness of his, but to many previous errands which he was to execute before the delivery of the letter; for notwithstanding the earnest desire which the bailiff had declared to see Booth out of his troubles, he had ordered the porter, who was his follower, to call upon two or three other bailiffs, and as many attorneys, to try to load his prisoner with as many actions as possible. [1]

The diplomacy of the bailiff in assuring Booth of his good will is an example of despicable hypocrisy. His desire to load his prisoner with charges is in accord with the understanding we have of the bailiffs and prison keepers; the greater the charges the higher the bail. However, this comprehension does not make his underhandedness any more commendable.

Further illumination upon the bailiff's character is found in Chapter VI. Colonel James and Atkinson had arrived to put up bail for Booth when the bailiff announced it was too late to obtain the necessary release. The bailiff was sullen and impudent until he learned the colonel was a member of parliament and then his apology was obsequious and fawning.

> '. . . and I hope, honorable sir,' said he, turning to the colonel, 'you don't take anything amiss that I said, or meant by way of disrespect, or any such matter. I did not, indeed, as the gentleman here says, know who I was speaking to; but I did not say anything uncivil as I know of, and I hope no offence.' [2]

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[1] Ibid., Vol. II, Book VII, Chapter I, p. 60

[2] Ibid., Vol. II, Book VII, Chapter VI, p. 83-84

The conduct of the bailiff in his dealings with the colonel does not contribute favorably to the general impression of him. His immediate change from surliness to overwhelming courtesy when he learned the colonel's position is an excellent example of the type of political patronage common in that period. The bailiff felt no call to be civil to a person who could not injure him, but to a person of rank in the government no flattery was beneath him.

Our next meeting with the bailiff was even more damaging to his reputation. Amelia was visiting Booth when the bailiff entered and Booth questioned him about the noise he had heard. The bailiff answered:

> 'I know of no noise. . . Some of my men have been carrying a piece of bad baggage up-stairs; a poor rascal that resisted the law and justice; so I gave him a cut or two with a hanger. If they should prove mortal, he must thank himself for it. If a man will not behave like a gentleman to an officer, he must take the consequence; but I must say that for you, Captain, you behave yourself like a gentleman, and therefore I shall always use you as such; and I hope you will find bail soon with all my heart. This is but a paltry sum to what the last was; and I do assure you there is nothing else against you in the office.' [1]

The casual way in which the bailiff regarded his blows at a poor wretch, blows that might easily be fatal, does not in any way raise our opinion of him. The reader feels

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[1] Ibid., Vol. II, Book XII, Chapter II, p. 275

there is almost a touch of sadism in the man who beats those who have no way to protect themselves, while he is safely shielded in his profession. Booth asked the bailiff if the man's blood would not lie upon his conscience and he replied:

> 'Why should it, Captain? . . . Is not all done in a lawful way? Why will people resist the law when they know the consequence? To be sure, if a man was to kill another in an unlawful manner as it were, and what the law calls murder, that is quite another thing. I should not care to be convicted of murder any more than another man. Why now, Captain, you have been abroad in the wars they tell me, and to be sure must have killed men in your time. Pray, was you ever afraid afterwards of seeing their ghosts?'
>
> 'There is no difference at all, as I can see,' cries the bailiff. 'One is as much in the way of business as the other. When gentlemen behave like unto gentlemen, I know how to treat them as such, as well as any officer the king hath; and when they do not, why they must take what follows, and the law doth not call it murder.' [1]

The bailiff justified his action and salved his conscience by the letter of the law. Behind this protection he felt no compunction at killing as long as it was legally not murder. He was completely hardened to the moral or ethical problem at stake and interested or wary, only of his personal reputation and safety.

In Amelia Fielding had blasted the law and torn away her dignity, exposing the corruption, vice, and selfish-

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[1] Ibid., Vol. II, Bk. XII, Chapter V, p. 289-290

ness in it. He had shown no mercy and used no half-measures. It was his bitterest attack upon the law in any of his fictional writing. The accuracy and truth of the pictures he has drawn in this novel are substantiated by the fact that the novel was written while he was magistrate of the Bow Street Court and endeavoring to put across reform measures. All of his writings during this period were directed along the lines which reform should move.

> His Enquiry into the causes of the Increase of Robbers, The Convent Garden Journal, Amelia, and his Proposal for the Poor, foreshadowed in the Enquiry, may in this sense be treated together, as employing different methods of expressing and emphasizing the same views. [1]

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[1] Jones, B. M., Henry Fielding, Novelist and Magistrate, George Allen and Unwin, Ltd., London, 1933, p. 162

CONCLUSIONS

The interest of Henry Fielding in the condition of the law and its administration in England, is ably evidenced in his writings. The incorporation of the law in his novels is the work of a man skilled both as a lawyer and a writer. As a result of his background and early law education he was able to see his plots as legal cases in which people battled through life obstructed by the corrupt state of the law. He realized the need for reform so that justice and honesty might prevail, and the common people might live without a constant fear of ruin at the hands of unscrupulous representatives of the law.

His novels were a conscious effort to bring this idea to the public that they might share the realization of this need. He tore aside the sheltering protection of tradition that had masked the corruption of the law from the eyes of the people, and lay bare the facts, freed even from the awing ambiguity of legal gibberish, that had for so long confused the minds of the layman.

We have seen the growth and development of his theories and his method of attack in the three novels discussed in this thesis. In Joseph Andrews, the first novel under our consideration, the attack was leveled at the

practices of the laywers and magistrates of the period. Here the wealthy were shown favoritism, and bribery was employed to twist the meaning and interpretation of the law to serve selfish ends.

In Tom Jones, Fielding added another aspect to the attack. He drew comparisons between honest and corrupt exponents of the law. The characterization of Squire Allworthy served as a model of the highest and best in magistrates, expressed in his justice and fearless integrity. He was contrasted with other magistrates, characterized by their ignorance and self-interest. Lawyers were discussed with similar treatment. In this novel we have constructive criticism, for here Fielding gave examples of intelligent administration of justice, thus laying down the rules by which the public might measure these qualities in the interpreters of the law with whom they were familiar.

The novel Amelia carries Fielding's arguments deeper into the heart of the problem, by showing all the blame could not be laid at the feet of these representatives of the law. He showed his consciousness of the need for reform of the laws themselves. He pointed out that if allowance for corruption did not lie in the laws, unscrupulous practices could not be employed. He laid bare the vile conditions existing in the prisons, exposing the manner in which bailiffs practiced various crimes, in-

cluding bribery, neglect and sometimes even murder, always sure of legal immunity themselves behind the protection of their positions. While he laid the chief measure of blame on the condition of the existing laws, still, he did not excuse these officials in any measure from their own responsibility.

Fielding never lost sight of his desire for reform in the law but wrote for the purpose of revealing these evils clearly to the people in a manner which they could comprehend.

ABSTRACT

My purpose in writing this thesis is to show Henry Fielding's interest in law, his connection with it, the conflict in his early life between law and his desire to write, and the way in which he incorporated law and humanitarianism in his writing.

The method employed in gathering this data was a careful study of the body of Fielding's three most outstanding novels, Joseph Andrews, Tom Jones and Amelia. In each novel all references and applications to the law were considered and the major points which he discussed were traced through the novel. In these discussions I have covered the prevalence of legal terms, corruption of officials, including justices, lawyers, prison keepers and bailiffs, various phases of bribery in courts, dealings with lawyers and in the prisons, and the distortion and loopholes in the law itself.

The line of procedure in the development of this problem was to first devote a chapter to the life and background of the lawyer. In this chapter his experiences as a political dramatist, a young law student, magistrate and novelist, have been discussed.

The second chapter deals with critical opinions of

his general standing in the period, the opinions of his contemporaries, and the early reception of the three novels under examination.

Chapter three concerns Fielding's first novel, Joseph Andrews. Originally begun with the idea of satirizing Samuel Richardson's novel of perfect virtue, Pamela, Fielding developed his novel into an opening attack upon the corruption of the law. He touches upon the general status of the law among the common people, the legal phrases and "gibberish" employed by lawyers to confuse the public, the dishonesty of unscrupulous magistrates and lawyers, and the amazing power of rank and wealth in the perversion of justice.

The novel, Tom Jones, is examined in chapter four. Fielding was concerned with the same problem of the corruption and false administration of the law in this novel; but he handled it from the viewpoint of a higher level of society. While in Joseph Andrews only pictures of injustice were displayed, in Tom Jones, Fielding presents both sides. He gives us Squire Allworthy, the finest type of magistrate, whose integrity and justice are unquestionable, and contrasts him with ignorant and unscrupulous magistrates. Lawyers are treated in a similar manner, with Dowling serving as an example of a respectable lawyer. His cleverness and his justification of perjury in what he felt

to be a just cause reveals the commonness of the practice. The ease with which lawyers were enabled to hoodwink their clients, charging fees out of proportion to the services rendered, this and countless other such examples are discussed. The important thing to note in this novel, however, is that Fielding was not condemning the entire profession but was indicating the instances where corruption was the most apparent.

Amelia, the last novel written by Fielding, is the subject of chapter five. In this novel, Fielding had shifted the emphasis in his attack to the root of the corruption, the loopholes and intricacies in the law itself. He pointed out the necessity for removing the opportunities for corruption and said that was the basis for reform. If there were no ambiguities in the laws, the officials could not corrupt the law or pervert justice. In this discussion he went deeply into the situation existing in the cities, concerning debt, bailiffs, magistrates, prison keepers and lawyers. Fielding was particularly conscious of the weakness of the law of evidence and the calm acceptance of perjury. He also leveled much of his attack upon the bailiffs, and conditions in the prisons, which enabled these officials to accept bribes and extort money from their prisoners for favors.

Fielding never loses sight of the importance of reform in the law or the tremendous influence of law upon the lives of the people. He wrote with the knowledge of a lawyer and the viewpoint of a layman.

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